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PUBLIC HEALTH DEPARTMENT

REPORT

of the

Departmental Committee

on the

Treatment of Young Offenders

Presented by the Secretary of State for Home Affairs to Parliament by Command of His Majesty, March, 1927.

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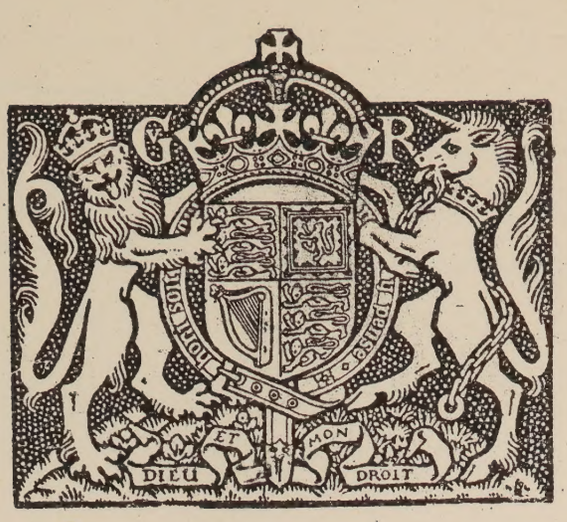

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I HEREBY APPOINT :

The Right Hon. Sir EVELYN CECIL, G.B.E., M.P.,
Mr. CHARLES T. BARTON,
Mrs. BARROW CADBURY, J.P.,
Mr. ROLLO F. GRAHAM CAMPBELL,
Mr. RHYS J. DAVIES, M.P.,
Mr. SYDNEY WEST HARRIS, C.B., C.V.O.,
Mr. SPURLEY HEY,
The Honourable Lady LAWRENCE,
The Honourable Lady LYTTELTON,
Mr. C. RAINE, J.P.,
Mr. EDMUND RUSSBOROUGH TURTON, M.P.,*
Mr. MAURICE LYNDHAM WALLER, C.B., and
Sir WEMYSS GRANT WILSON,

to be a Committee to inquire into the treatment of young offenders and young people who, owing to bad associations or surroundings, require protection and training; and to report what changes, if any, are desirable in the present law or its administration.

AND I FURTHER APPOINT Sir EVELYN CECIL to be Chairman, and Mr. C. B. MCALPINE, of the Home Office, to be Secretary of the Committee.

(Signed) W. JOYNSON-HICKS.

6th January, 1925.

I HEREBY APPOINT :

The Right Honourable Sir THOMAS F. MOLONY, Bart., to be Chairman, in place of the Right Honourable Sir EVELYN CECIL, G.B.E., M.P., resigned, of the Committee appointed by me on the 6th January, 1925, to inquire into the treatment of young offenders and young people.

(Signed) W. JOYNSON-HICKS.

3rd, February, 1925.

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* Now Sir Edmund Turton, Bart., M.P.

COMMITTEE ON THE TREATMENT OF YOUNG OFFENDERS.

REPORT.

To the Right Honourable
Sir WILLIAM JOYNSON-HICKS, Bart, M.P.,
His Majesty's Secretary of State for the Home Department.

1.—INTRODUCTION.

SIR,

WE have the honour to present to you the report of our enquiry into the treatment of young offenders and young people who owing to bad associations or surroundings require protection and training. Our enquiry began in January, 1925, and since then we have had 81 meetings and have examined 99 witnesses.* After the first meeting Sir Evelyn Cecil was compelled by illness to resign his appointment, and Sir Thomas Molony was appointed Chairman in his stead. The Chairman and other members of the Committee have visited from time to time juvenile courts and a large number of institutions in different parts of the country. We have consulted a number of official reports,† and we have made ourselves acquainted with the methods adopted in other countries in dealing with the matters which are the subject of our investigation.

We appreciate fully the importance of the problem referred to us and we are glad to be associated with an enquiry the object of which is to consider the best means of helping those young people who, starting life with a handicap of moral weakness or unhappy influences, specially need the protection of the State. It may be said that the reformation of the offender has become in recent years the keynote of the administration of justice. If this is true of the adult, the same principle must be applied with even greater force to the young offender whose character is still plastic and the more readily moulded by wise and sympathetic treatment.

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* *See* Appendix I.

† *See* especially the Report on Juvenile Delinquency made by the Juvenile Organisations Committee in 1920 and the Report of a similar enquiry made by the Scottish National Council of Juvenile Organisations in 1923; the Report of the Departmental Committee on the Training, Appointment and Payment of Probation Officers, 1922 (Cmd. 1601); the Report of the Departmental Committee on Sexual Offences against Young Persons, 1925 (Cmd. 2561); the Report on the same subject relating to Scotland, 1926 (Cmd. 2592); the Reports of the Adoption Committee, 1926 (Cmd. 2401, Cmd. 2469 and Cmd. 2711); and the Annual Reports of the Children's Branch of the Home Office and of the Prison Commissioners.

Our enquiry, however. is not concerned only with the young offender. There is also the problem of the neglected boy or girl who has not committed offences but who, owing to want of parental control, bad associations or other reasons, needs protection and training. The two problems are closely connected and can conveniently be dealt with together, because neglect and delinquency often go hand in hand and experience shows that the young offender is only too often recruited from the ranks of those whose home life has been unsatisfactory. The legislature draws a distinction between the two classes, but in many cases the tendency to commit offences is only an outcome of the conditions of neglect, and there is little room for discrimination either in the character of the young person concerned or in the appropriate method of treatment. There are also young people who are the victims of cruelty or other offences committed by adults and whose natural guardianship having proved insufficient or unworthy of trust must be replaced.

No specific age was mentioned in our terms of reference, but after careful consideration we have thought it wise to consider mainly persons under 21. Within this limit we shall consider two groups—those under 17, whether neglected or delinquent, and those between 17 and 21 who are offenders.

In the short historical sketch which follows we have referred to previous enquiries and have given an outline of the origin and development of the present methods of dealing with the matters before us. We then summarize the available information as to the number of offenders under 21, the nature of their offences and the manner in which they were disposed of by the courts. It appeared to us that the juvenile court—its scope, constitution and procedure—was the proper approach to the problem of the young offender. After considering the question of remand, including observation, we proceed to discuss in detail the methods of treatment available to the courts, including the probation system and various forms of institutional treatment, and the necessary scheme of after-care associated with such treatment. Finally we deal with the problem of neglect and show how our recommendations under this heading are related to those dealing with the young offender.

We should like to make it plain that throughout this report we are dealing with methods of cure rather than prevention, though we have no doubt as to the wisdom of the old proverb. It is outside our sphere to describe the various measures—educational or social—which have helped to reduce in so striking a degree the number of juvenile offences within the last generation. In the development and strengthening of these influences lies even greater hope than can be derived from any improvement in curative measures.

We desire to take the opportunity of expressing our thanks to the witnesses who gave us the benefit of their experience and to the many officials and other persons who assisted is in our enquiry.

2.—Historical Sketch.

Many of the problems which confront society to-day have their roots in the new conditions created by the industrial revolution more than a hundred years ago, and of none is this truer than of the problem of the welfare of young people. The growth of towns, with their overcrowding and slums, the relaxing of parental control, the demand for child labour, all these combined to surround young persons with new temptations and dangers. The result was an ever-rising tide of juvenile delinquency on the one hand, and on the other an increasing indifference to the exploitation of child labour. The latter was the problem which was first attacked. The early years of the nineteenth century saw the beginnings of factory and mining legislation, and subsequent Acts have broadened and extended the protection then afforded. In other directions too society has accepted responsibility for physical welfare, as in the enactments restricting the employment of children and making cruelty a punishable offence on the part of an adult. Housing and sanitary regulations have played their part, and it is now a commonplace to say that a child has a right to special care and protection. The same principle has been applied slowly but surely throughout the century to the treatment of young offenders. Not that the principle was new in English law. As far back as the tenth century Athelstane enacted that "men should slay none younger than a fifteen winters' man," and provided that "If his kindred will not take him, nor be surety for him, then swear he as the bishop shall teach him, that he will shun all evil, and let him be in bondage for his price. And if after that he steal, let men slay him or hang him, as they did to his elders."* Even the Middle Ages showed a desire to discriminate between the adult criminal and the young delinquent, for it is recorded in the Year Books of Edward I that judgment for burglary was spared to a boy of twelve years.† In the seventeenth and eighteenth centuries the principle was lost sight of, and the harshness of the law, together with the changing social conditions, led in the first few decades of the nineteenth century to a large increase in the number of youthful delinquents, recruited from what were termed the "perishing and dangerous classes." The figures are worth mentioning. In 1844 there were in prison 11,348 persons between the ages of 10 and 20—or 1 in

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* Judicia Civitatis Lundoniæ sub rege Aethalstano edita. Cod. Ross, f. 88.

† Year Book 32 Edw. I. rot. 13.

304 of the total population of that age. In 1849 no less than 10,703 persons under 17 were sentenced to imprisonment or transportation. At the beginning of the century the state of the prisons, in spite of the work of John Howard, was still such as to make inevitable the contamination of those received within their walls, and it is not surprising that there arose an insistent demand for other methods of dealing with those of tender age. The severity of the law was mitigated, the regime of the prisons was improved and better buildings were erected, but it was felt that nothing short of the complete removal of children from prison would suffice. The development was gradual. At first experiments were made by enthusiastic pioneers; then the State recognised the value of the new system —the substitution of training and reformation for mere punishment—and made it a legal alternative to prison; and finally, in 1908, the logical conclusion was reached when imprisonment of persons under 16 was altogether abolished, except in rare cases The Children Act of 1908 was a notable piece of legislation, enshrining as it did in almost every section the principle that a young offender shall receive different treatment from an adult—while on remand, while before the court, and above all when the court has pronounced its decision. An attempt is made in the ensuing paragraphs to trace in outline the development of this principle.

Schools and Institutions.—As early as 1756 the Marine Society had started a school for the children of convicts. The well-known Philanthropic Society, founded in 1788, received in its institution young offenders as well as the sons and daughters of felons, and another "reformatory" came into existence in 1818, at Stretton-on-Dunsmore, in Warwickshire. These institutions, and many others which grew up later on their model, were based on the idea of reformation rather than punishment. They relied entirely on voluntary funds and had no powers of compulsion over the children whom they received. They were first brought into contact with the State by an administrative practice whereby a pardon was granted to a youthful offender under sentence of transportation or imprisonment on condition that he placed himself under the care of some charitable institution for the reception and reformation of young offenders. The State was giving the new treatment a trial. The trial was apparently so far satisfactory as to lead to the establishment of a separate prison for youthful offenders, to be conducted on such lines as should "appear most conducive to their reformation and to the repression of crime." This experiment, sanctioned by the Parkhurst Act of 1838, was the first legislative recognition of separate treatment for the young offender. There was no age limit, but Parkhurst was in fact reserved for those under 18. An early attempt at classification may be seen in the division into a junior and a general class. All the boys from Parkhurst were eventually sent to the Colonies,

which was then the recognised method of disposal from reformatories as well.

The years from 1840 onwards saw a great impetus given to the "reformatory movement," due partly to foreign examples, and in particular to that of the agricultural colony established in 1839 at Mettray, in France. Such well-known names as those of Mary Carpenter, Matthew Davenport Hill, and Sydney Turner now appear amongst those engaged in the work, and the demand for State recognition of reformatories grew more insistent. In 1846 the first Bill to establish State reformatories was introduced; it was however rejected by Parliament. A Select Committee of the House of Lords, which reported in 1847, recommended the adoption of the system of "reformatory asylums," of which reformation and industrial training should be the main features. There was yet another enquiry, this time by a Select Committee of the House of Commons, in 1852, before definite steps were taken, and it was not until 1854 that the first Reformatory Schools Act was passed. The courts were empowered to send young offenders to the existing institutions. The institutions remained under voluntary management, and received legal powers of detention and control, while the interests of the State were safeguarded by certification and inspection. Many minor amendments of the law were introduced by subsequent Acts, but the principles then laid down have remained unchanged and were finally incorporated in the Children Act of 1908.

Industrial schools, although sprung from a different origin, have developed on similar lines. The ragged schools in England and the industrial feeding schools in Scotland, which may be regarded as the parents of the industrial schools, were an attempt to deal more radically with the problem of child welfare by providing education and industrial training for the class of children from whom the delinquents were mainly drawn. John Pounds, a Portsmouth shoemaker, was the originator of the first ragged school. In 1818 he took some of the poorest children in Portsmouth and taught them cooking, cobbling and their A.B.C. The Scottish system, associated with the name of Sheriff Watson of Aberdeen, was from the first more comprehensive because it kept the children all day and provided food for them. Legal recognition was first given to these schools in Scotland by the Industrial Schools Act of 1854, and three years later a similar law was passed for England. By these laws the courts were empowered to send to existing schools, and the principles of management and control were the same as those mentioned above for reformatories. Subsequent legislation has tended to remove the original differences between the two classes of schools. One further development is worthy of mention, the power first given to School Boards in 1876 to establish day industrial schools.

Guardianship.—The value of individual care and sympathy in the reclamation of an offender, so much insisted on in recent years, was early recognised by reformers, and an interesting attempt to enlist it was made in 1840. In that year an "Act for the Care and Education of Infants who may be committed for Felony" gave to the High Court of Chancery power to assign the care and custody of such an infant, up to the age of 21, to any person willing to take charge of him. The object of the Act, which was vigorously opposed as an interference with the rights of parents, was to remove children from the influence of vicious parents. It proved however almost entirely inoperative, as suitable persons willing to undertake such responsibilities did not come forward and the Act forbade the emigration of the young felon. A somewhat similar provision was introduced at a later date in the legislation dealing with cruelty to children, power being given to place the child in the care of a relative or other fit person, but it was not until 1908 that the principle was again invoked in dealing with offenders against the law.*

Probation.—We have seen how the desire to keep children out of prison was in large measure responsible for the development of new institutions based on the principle of training and reformation. The probation-system may be traced to a similar motive. It was open to the court in many cases to dismiss the charge with a caution or to bind over the defendant to come up for judgment if called upon, and these expedients were in fact adopted by many courts in the first half of the 19th Century. Probation is however something more. It implies the exercise of some supervision on behalf of the court, some assistance which will help the probationer to keep straight during his period of "proof", and the court which first embodied this principle in its practice may fairly claim to have discovered the germ of the probation system. The honour, it would appear, belongs to some Warwickshire magistrates of whom it is recorded as early as 1820 that in suitable cases they passed sentence of imprisonment for one day upon a youthful offender, on condition that he returned to the care of his parent or master, to be by him more carefully watched and supervised in the future. This practice was followed and carried further by the well-known Recorder of Birmingham, Matthew Davenport Hill, who in 1841 instituted a register of these forerunners of probation officers and caused inquiry as to the young offender's conduct to be made by the police from time to time. A little later we find yet another step forward. Instead of sentencing the offender to one day's imprisonment, the London Magistrates released him conditionally, on the bail of the police court missionary, and the missionary was charged with the duty of watching over his conduct. From this it was an easy transition to a definite system sanctioned by law, with penalties which the law would enforce, but the change was not in fact made for

* See Children Act, 1908, section 58 (7).

many years. The Probation of First Offenders Act was passed in 1887, but it made no provision for supervision, and it was not until 1907 that the Probation of Offenders Act gave statutory sanction to a practice already adopted by many courts. The law as to probation is still regulated by that Act, as amended by the Criminal Justice Administration Act, 1914, and Part I of the Criminal Justice Act, 1925.

The Court.—A hundred years ago the full machinery of trial by jury was brought to bear upon every child who came within reach of the law, involving as it did detention in the ordinary prison, often for long periods, while awaiting trial. Vigorous criticism led in 1836 to the appointment of a Royal Commission to consider whether it was advisable " to make any distinction in the mode of trial between adult and juvenile offenders, and if not, whether any class of offenders can be made subject to a more summary proceeding than trial by jury." The Commission reported that a distinction in the mode of trial would not be advisable, except by increasing the summary jurisdiction of Magistrates. In 1847 the Select Committee of the House of Lords, referred to above, recommended an increase of summary jurisdiction for juvenile offenders and an Act of that year gave Justices power to try children under 14 for simple larceny. Wider jurisdiction was given to Justices by the Summary Jurisdiction Act of 1879 and the procedure then laid down is still observed.

A further step, and one of vital importance, was taken in 1908. Although the majority of children were no longer tried with the formality of assizes and quarter sessions, they were nevertheless dealt with in the same courts as adults, exposed throughout to the danger of contact with hardened criminals and contamination. The juvenile court was accordingly established to deal with persons under 16. It was still a court of summary jurisdiction, but it was required to sit in a different place, or at a different time from the ordinary sittings of the court. In 1920 the Juvenile Courts (Metropolis) Act introduced a new principle by which Magistrates for the juvenile courts were specially selected. Although the Act applies only to London, a special rota of Justices for the juvenile court is not infrequently found elsewhere.

Places of Detention.—Reformatory and industrial schools had been recognised by the State as alternatives to prison as early as the middle of last century, but the power to send children to prison was not abolished until 1908. The Children Act declared that no person under 14 shall in any circumstances be received into prison, while persons between 14 and 16 may be received, either on remand or on conviction, only with a special certificate from the court. Places of detention are specially provided for in the Act, for the reception of young persons under 16 on remand, and where detention after

conviction is considered necessary it may be ordered, up to one month, in these places. The effect of these provisions is strikingly shown by a comparison of the statistics for 1907 and for 1925. In the former year, 572 persons under 16 were received into prison on conviction; in 1925 the number was only 8.

Borstal.—The first experiment for the complete separation of young prisoners from adults in order to give them specialized treatment and training was made in 1902 in the premises of the Borstal Prison near Rochester. The experiment was followed by the Prevention of Crime Act, 1908, which authorised the establishment of Borstal institutions for the training of offenders between 16 and 21 who "by reason of criminal habits or tendencies or association with persons of bad character" appear to be in need of such discipline. The Borstal institution therefore represents the latest extension of the "reformatory" system, but it must be remembered that the conditions for admission to Borstal are strictly limited and that the number of persons between 16 and 21 committed to prison each year is considerably greater than the number sent to Borstal. Some amendments in the law regarding Borstal detention were made by the Criminal Justice Administration Act, 1914.

3.—Number and Character of Offences.

It is possible to give fuller information about young offenders under 16 than about those between 16 and 21 because most offences committed by those under 16 are tried by the juvenile courts, for which separate statistics are kept. The returns made to the Home Office for courts of summary jurisdiction are not classified according to the age of the offender. The figures for the juvenile courts have been published in the reports of the Children's Branch and need not be repeated here, but in using these tables we have substituted the latest available figures. As pointed out in these reports, there has been a considerable decrease in recent years in the number of persons under 16 who have appeared before the juvenile courts. In 1913 the number was 34,662. The figure rose during the war period to 51,323 in 1917 and declined in subsequent years. In 1925 the number was 27,801. About one-third of the offences are classified as simple larceny (10,050) and about a sixth as malicious damage (4,738). The next largest groups of offences are those against the Highways Acts (3,034), those against police regulations (2,818), gaming (1,062) and railway offences (1,057).

In 1925 of the 27,801 cases which came before the juvenile courts, 27,751 were dealt with summarily. The cases dealt with summarily were disposed of as follows:—

Charge withdrawn or dismissed		3,465
Charge proved and order made without conviction for :—		
Dismissal	6,715	
Recognizances	1,972	
Probation	6,357	
Industrial school	552	
Care of relative	6	
Institution for defectives, &c, ...	31	
	——	15,633
Convicted :—		
Prison	5	
Reformatory school	578	
Whipping	452	
Fine	7,578	
Recognizances	8	
Otherwise disposed of	32	
	——	8,653
		27,751

Of the 50 cases which were not dealt with summarily 35 were withdrawn or dismissed and only 15 cases were actually committed for trial.

Many offences, however, are committed by children and young persons under 16 in association with older persons, and these are tried in the ordinary courts and not in juvenile courts. In 1925 the number was 3,458 (3,328 boys and 130 girls). It is not known how many of these were dealt with summarily and how many were committed for trial, but the Criminal Statistics show that 35 persons under 16 (34 boys and 1 girl) were convicted at assizes and quarter sessions in the same year. The offences were mainly housebreaking and shopbreaking.

As regards persons between 16 and 21, the Criminal Statistics show that 1,000 persons between these ages (943 lads and 57 young women) were convicted at assizes and quarter sessions in 1925. The largest proportion of offences by lads consisted of burglary, housebreaking, shopbreaking, &c. (571). In the case of young women the largest groups of offences were larceny (15) and concealment of birth (10).

As explained above, there is no available information as to the number of persons between 16 and 21 who come each year before courts of summary jurisdiction. As it appeared important to our purpose to make some estimate of the number, we decided to ask the Home Office to obtain a special return* from the police, but in view of the large amount of clerical work

* *See* Appendix II.

involved we agreed that it should be limited to a period of three months. It was only found possible to give particulars of the persons apprehended. Nothing more than a rough estimate could be made of persons dealt with by summons.

It will be seen that during the period of three months ending 31st December 1925, 4,734 persons between 16 and 21 were proceeded against *after apprehension*. The following table shows the numbers according to age.

Age.	*Number.*
16	700
17	876
18	982
19	1,112
20	1,064
	4,734

The largest group of offences is simple larceny (1,568), and then come offences against police regulations (525), drunkenness (487), gaming (322), Highway Acts (293), aggravated larceny (193), offences against military law (190), and burglary (146). Malicious damage dwindles to a much smaller number (41) as compared with the juveniles. Of the 4,734 cases, 4,251 were dealt with summarily. These are classified as follows :—

Charge withdrawn or dismissed		323
Charge proved and order made without conviction for :—		
Dismissal	421	
Recognizances	375	
Probation	819	
Institution for defectives, &c. ...	21	
		1,636
Convicted :—		
Prison	305	
Police cells	38	
Fine	1,855	
Recognizances	30	
Borstal institution	54	
Otherwise disposed of...	10	
		2,292
		4,251

The estimated number of persons between 16 and 21 proceeded against *by summons* during the same period is about 14,500 excluding non-indictable offences in the Metropolitan Police District and Buckinghamshire, for which no reliable estimate can

be given. Assuming that the figures for these two districts amounted to about a fifth of those for the whole country we should arrive at a total figure of about 18,000.

If for the purpose of a rough estimate we multiply by four the figures given in the three months' return, the annual number of persons between 16 and 21 dealt with by courts of summary jurisdiction would be about 91,000, of whom about 19,000 are proceeded against *after apprehension* and about 72,000 on *summons*.

The actual number of persons between 16 and 21 sent to prison or to Borstal institutions can be obtained from the annual reports of the Prison Commissioners. In 1925-26 the number received in prison on conviction was 2,263 (2,064 lads and 199 young women) and the number received into Borstal institutions was 560 (535 lads and 25 young women).

We thought it desirable to obtain more detailed particulars about the persons of this age group received into prison, and at our request the Prison Commissioners kindly furnished us with a statement* which covers the same period of three months as that selected for the returns from the police. It will be seen that 1,045 persons between 16 and 21 (929 lads and 116 young women) were received into prison and they were classified as follows: —

	Lads.	*Young Women.*
Remand	547	74
Awaiting trial	36	5
In default of payment of fines	120	14
Direct committal on conviction	226	23
	929	116

A considerable number of those serving sentences were committed for a month or less (255 lads and 25 young women).

4.—The Juvenile Court.

Importance of its functions.—The juvenile court performs very important functions which are not generally realised by the public and not always appreciated at their full value by the Magistrates themselves. Before it appear boys and girls under 16 who are often wayward or mischievous and in some cases serious offenders; who are sometimes dull of mind or undeveloped, but more often full of vitality and intelligence, though misdirected; who are all by virtue of their youthfulness hopeful subjects for care and training. The decision of the Magistrates with regard to the immediate future of these boys and girls must to a large extent influence their whole lives.

* *See* Appendix III.

The juvenile court has also the task of providing for the neglected child, whose case we shall consider later. But the importance of its functions lies not only in safeguarding the right of the less fortunate child to such protection and training as it has failed to receive or in assisting those parents who, from poverty or other circumstances, have not succeeded in keeping their children from bad influences or associations; there is also the duty of restraining those who commit offences from recruiting the ranks of hardened criminals at a later stage and becoming a serious menace and public burden. If there is any risk in making the assumption that most criminals begin their careers by committing minor offences, there is certainly evidence for the statement that a considerable number of them appear at an early age before the juvenile court. We may refer to the figures published in the Second Report of the Children's Branch, which show that of a thousand young men received into Borstal institutions no less than 551 committed their first offence before the age of 16, and many of them committed several offences before that age. The juvenile court, therefore, by its wise treatment of the young people who appear before it must of necessity play an important part in relation to the whole question of crime.

The juvenile court is a comparatively recent innovation both in this and in other countries. Its introduction in Great Britain and Ireland by the Children Act of 1908 was largely experimental, but it has long passed the experimental stage, and we are satisfied that in any future legislation greater prominence should be given to the juvenile court, its constitution should be placed on a better footing and its functions enlarged.

Present law and practice.—The existing law on the subject of juvenile courts is contained in section 111 of the Children Act, 1908, and in the Juvenile Courts (Metropolis) Act, 1920. The main requirement is that a "court of summary jurisdiction when hearing charges against children or young persons or when hearing applications for orders or licences relating to a child or young person at which the attendance of the child or young person is required shall, unless the child or young person is charged jointly with any other person not being a child or young person, sit either in a different building or room from that in which the ordinary sittings of the court are held, or on different days or at different times from those at which the ordinary sittings are held." (section 111 (1)). As regards London the Act provided for the establishment in the Metropolitan Police Court District of separate juvenile courts to which any portion of that District could be assigned by Order in Council. The Act of 1920 provided for the holding of such courts in London elsewhere than in the ordinary police court building, and for their being constituted of a Police Magistrate nominated by the Secretary of State and of two

Justices for the County of London, one of whom should be a woman, chosen from a panel nominated for the purpose by the Secretary of State. In nominating Magistrates to be presidents of juvenile courts the Secretary of State is to have regard to their previous experience and their special qualifications for dealing with juvenile offenders.

When we began our enquiry very little information was available as to the lines on which juvenile courts were conducted in different parts of the country, but in March, 1925, a questionnaire on the subject was addressed by the Home Office to all courts of summary jurisdiction, and in response to this request a large number of interesting replies were received and placed at our disposal. As the information so obtained was summarised in the Third Report of the Children's Branch we do not propose to reproduce it, though we shall have occasion to refer to some of the answers. For our present purpose it is sufficient to say that the replies disclosed a wide diversity of practice and afforded ample ground for reviewing the whole system in the light of the experience which has been gained in the last eighteen years.

Underlying legal principle.—Before entering into points of detail it may be well to consider whether the present basis of the juvenile court system in this country is sound or whether any fundamental change is required. Several witnesses who appeared before us expressed the opinion that the trial of young persons for offences should be entirely separated from criminal jurisdiction and referred to the system which has been adopted in some other countries, notably in the United States of America. The American system was fully described to us and we have studied a considerable amount of literature about it. A general idea of the theory underlying the American system can best be given by one or two quotations. In their book on "Juvenile Courts and Probation" (1915), Mr. Bernard Flexner and Mr. Roger Baldwin say: "In trials under the criminal law, the indictment charges the commission of a specific crime. It is set out in highly technical language and with a degree of particularity that is utterly unintelligible to laymen and, as a growing number of lawyers believe, wholly unnecessary. The purpose of the trial is to adduce sufficient evidence to prove the commission of the particular crime with the view of punishing the offender. The criminal law rests upon the proposition that to vindicate society and the law, the accused must be punished. The many social factors which are involved in the anti-social act are excluded from the trial as being irrelevant. In trying children under criminal juvenile court laws, it is true that many of the rigid rules governing the trials of accused adults have been modified so as to permit an inquiry into the social circumstances that may aid the court. The principles, however, underlying these children's courts are essentially the same as the principles underlying the criminal

courts generally. The child has offended against the law: he is charged with a specific offence; he is often required, as in the case of adults, to answer upon the calling of the case 'guilty' or 'not guilty'; he is frequently put upon oath, and, if found guilty, the court imposes what it regards as a punishment.

"In the proceedings involving the child under the civil, chancery or equity practice on the other hand, emphasis is laid, not on the act done by the child, but on the social facts and circumstances that are really the inducing causes of the child's appearance in court. The particular offence which was the immediate and proximate cause of the proceedings is considered only as one of the many other factors surrounding the child. The purpose of the proceeding here is not punishment but correction of conditions, care and protection of the child and prevention of a recurrence through the constructive work of the court. Conservation of the child as a valuable asset of the community is the dominant note.

"There is nothing essentially new in this idea. It embodies a power long exercised by the English Chancellors in cases of children who, for many reasons, were by order of the Chancery Court made wards of the King in England and wards of the State in this country. Under the Chancery practice, until the passage of the first juvenile court law, this power was limited to the cases of children whom we designate variously 'neglected', 'dependent', or 'destitute' children.

"The juvenile court laws merely extended the doctrine so as to embrace children who offended against the law, there being fundamentally no distinction between the results desired with reference to the various classes of children with whom the court was called upon to deal."

In a descriptive account of 10 Juvenile Courts published by the Children's Bureau of the U.S. Department of Labour in 1925 the writers say, "In general the jurisdiction exercised over children by juvenile courts is chancery or equity and not criminal in nature. Higher courts have repeatedly held that juvenile-court proceedings are not criminal. In a few States the juvenile procedure retains many of the characteristics of criminal procedure, though the aim of the proceeding is held to be the protection and not the punishment of the child. When the juvenile court is given jurisdiction over parents and over other adults who contribute to delinquency or commit an offence against a child, it is of course necessary that the court have criminal as well as equity jurisdiction.

"The procedure in children's cases was in the nature of chancery or equity procedure in 6 of the 10 courts studied—the courts of Denver, Los Angeles, San Francisco, Minneapolis, Seattle, and St. Louis. In New Orleans the procedure was quasi criminal but partook more of the nature of civil than of

criminal action. In Buffalo and in Washington, D.C., the juvenile court was hampered by the limitations of the criminal procedure, though in both these courts the hearings were informal and as free from technicalities as the judges believed they could be made and still conform to the legal requirements. The Massachusetts law provided that proceedings under the act in the cases of delinquent and wayward children should not be deemed criminal, but some aspects of the procedure were criminal in form; the action in neglect cases was civil."

While the jurisdiction of the American juvenile courts is in theory civil, the principle of a criminal trial has not entirely disappeared. We were informed that the Judges in those courts require the facts of the offence to be established before they can exercise jurisdiction and that the rules of evidence must be applied, though some of the Judges maintain that they can act on a preponderance of probability rather than proof beyond reasonable doubt. None of the American courts, however, seem to have pushed the theory of civil procedure so far as New Zealand, where in the Child Welfare Act of 1925 it is expressly provided that when a child is brought before a children's court charged with an offence it shall not be necessary for the court to hear and determine the charge, but it may act after taking into consideration the parentage of the child, its environment, history, education, mentality and any other relevant matter.

It appears to us that there is some danger in adopting any principle which might lead to ignoring the offence on which the action of the juvenile court in dealing with delinquents must be based. It is true that in many instances the offence may be trivial and the circumstances point to neglect rather than delinquency; but there remain cases where serious offences are committed, and neither in the public interest nor for the welfare of the young offender is it right that they should be minimised. Two considerations presented themselves strongly to our minds. In the first place it is very important that a young person should have the fullest opportunity of meeting a charge made against him, and it would be difficult for us to suggest a better method than a trial based on the well-tried principles of English law. The young have a strong sense of justice and much harm might be done by any disregard of it. Most of the offences proceeded against in juvenile courts are freely admitted, but sometimes the alleged offender pleads his innocence and he should have every chance of establishing it. The point was expressed vividly by one of the witnesses, who said that the juvenile court should not cease to be a court of justice. Secondly, when the offence is really serious and has been proved it is right that its gravity should be brought home to the offender. We feel considerable doubt whether a change of procedure such as is described above might not weaken the feeling of respect for the law which it is important to awaken in the minds of the young if they are to realise their duties and responsibilities when they grow older.

We have come to the conclusion that there is no sufficient reason for making any fundamental change in the legal principle underlying the juvenile court. Under the present law a juvenile court is a court of summary jurisdiction, modified in certain respects as to constitution, procedure, and place where the court is held. It is not infrequently described as a criminal court, but it must be borne in mind that a court of summary jurisdiction has both civil and criminal functions and that the former have been considerably increased in recent years. In the same way the juvenile courts hear not only charges, but also applications for orders. We see no reason why juvenile courts, developed further on these lines by changes which we shall now consider, should not prove to be well constituted and equipped for their purpose.

Guardianship.—In so far as the American theory seeks to mark a greater distinction between the treatment of juvenile and adult offenders and to emphasise the idea that the saving of the child is more important than the vindication of the law, we cordially sympathise with it. This idea is already implicit in the practice of the best juvenile courts in this country, but it needs to be more generally developed. The Americans have brought out the idea by building their procedure on the principle that the State is the ultimate guardian of its neglected and delinquent children, and they have turned their attention to the functions long exercised in England by the Lord Chancellor in respect of young people who are made wards of court. Curiously enough they were anticipated by social reformers in this country as long ago as 1840 when, as will be seen from our historical sketch, the High Court of Chancery was empowered to commit any person under 21 convicted of felony to the custody of any person willing to take charge of him. This Act proved abortive, but the principle of guardianship in different forms is part and parcel of the procedure of the juvenile courts to-day. For instance there is power to commit a delinquent child to the custody of a fit person who while the order is in force has the like control over him as if he were his parent, and when a young offender is sent to a certified school it is not lawful for the parent to exercise his rights and powers in such a way as to interfere with the control of the managers.

The principle of guardianship lies at the root of all juvenile court procedure, but it has assumed different forms in different countries. In some, as in Belgium and New Zealand, the courts are authorised to commit young persons who are neglected or delinquent to the care of a central administrative authority, which makes itself responsible for their care and control until they reach the age of maturity. In other countries, as in America, the court itself becomes the guardian, at any rate in theory. Our own system has been built upon a combination of voluntary and local effort under the direction of the central authority. We have considered whether any advantage would

be gained by a change of practice, but we have come to the conclusion that having regard to the circumstances of this country the best results are likely to be obtained by a development of the present system. The main defect which we find in it is that it does not carry the principle of guardianship far enough. There is no recognised method of providing satisfactorily for the guardianship of a young offender or neglected child who has no parent, or parents so worthless that they are likely either to ignore their children completely or to exercise a pernicious influence over them. It occurs to us that this defect might be remedied by empowering the local education authority to assume the guardianship in such cases. We shall deal with this matter when we come to consider methods of treatment.

We should like to say something about parental responsibility. Any change of procedure which would tend to weaken the responsibility of the parent for the care and control of his child would, in our opinion, be a grave mistake. The object of the court should always be to secure the co-operation of the parent in any action that is taken. Experience has amply shown that even bad parents can often be awakened to a sense of their obligations. The probation officer by exercising supervision over the child can often bring a powerful influence to bear on the character of the home. In the same way Home Office schools* have found that by taking the parents more into their confidence and by encouraging them to visit their children whilst in the school the work of after-care is considerably lightened. The legislature has recognised the principle of parental responsibility by enabling courts to require parents to contribute towards the maintenance of their children, when removed from their homes, and we are strongly of opinion that this policy should continue to be followed.

Age of Criminal Responsibility.—As the law stands at present no act done by any person under seven years of age is a crime and no act done by any person over seven and under fourteen is a crime unless it be shown affirmatively that such person had sufficient capacity to know that the act was wrong. The age of seven was adopted hundreds of years ago and the whole attitude of society towards offences committed by children has since been revolutionised. We think the time has come for raising the age of criminal responsibility, and we think it could safely be placed at eight. For children over this age courts should bear in mind the requirement referred to above.

Alternative Procedure.—The question arises whether all children who commit offences should be brought before the juvenile court, or whether some other procedure might be substituted in certain cases in view of either the triviality of the offence or the age of the offender. Two groups of suggestions

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* This is the name commonly given to reformatory and industrial schools.

were put before us, involving preliminary action either by the police or by the education authority.

It is obvious that as the majority of offences are detected by the police a certain amount of discretion must rest with them in deciding whether proceedings should be taken. In the case of more serious offences the evidence available may be regarded as insufficient and in trifling cases, especially when it is a first offence, a police officer may properly prefer to turn a blind eye. Many police forces adopt a system of warning youngsters who appear to be getting into trouble. The warning is usually administered in the presence of the parents by the Chief Constable or a superior officer—a practice which seems to us to be a wise method of dealing with minor offences if applied with judgment and good sense. One or two Borough Chief Constables, however, practically dispose of all offences by children except those which appear to require committal to an institution. A conference is held in the Chief Constable's room at which the child and his parents, the police officer concerned in the inquiry and sometimes the probation officer or other social worker are directed to appear. This practice seems to us objectionable, as usurping the functions of a tribunal, and we think it is outside the proper duties of the police.

Other witnesses recommend that offences by children should be reported to the school authorities and disposed of by them in the first instance. Minor offences could be dealt with by the head teacher in his room in the presence of the child and his parents, the attendance officer, probation officer, and police officer who might be required to give evidence. The latter would not be in uniform. The enquiry would be of an informal character. Serious offences would be reported at the request of the parent or at the discretion of the head teacher to the juvenile court. It seems to us that an enquiry of this kind held by the school teacher is also open to objection, and we should strongly deprecate any such proposal as creating a form of tribunal which could not be so satisfactory as a juvenile court.

We agree, however, that the school teacher, who is responsible for discipline in the schoolroom and disposes of offences committed there, would often be helpful in connection with minor offences committed out of school. The education authority could with great advantage be taken into consultation by the police as to the proper measures of dealing with such offences, either by warnings or otherwise. We shall refer later to the need for closer co-operation between the two authorities in the whole sphere of juvenile delinquency.

Our conclusion is that the juvenile court is the tribunal best fitted to deal with all offences other than those which can suitably be met by warning.

Appearance before the Court.—It has been pointed out that the number of offences dealt with each year by the juvenile

courts does not bear a strict relation to the number of offences actually committed, and that a great deal depends on the attitude of the police in different districts towards young offenders. It is suggested, for instance, that street pilfering by boys and girls is very common in the big towns, and that many children are not charged. There is a natural reluctance on the part of everyone concerned to report offences which come under their notice either in school or outside. This reluctance may be due partly to too close an association between the police court and the juvenile court and partly to the ill effect which a "conviction" may have on the child's parents and his own career. Harm may be done by the application of undue severity to minor offences committed by children, but it is equally true that undue leniency is apt to be misunderstood, and to allow a child to continue habits of petty thieving may be fraught with grave danger. There seems to us to be a need for a more uniform practice in bringing children of this character before the juvenile courts. When it is realized that these courts are specially equipped to help rather than punish the young offender we hope that the reluctance to bring such children before them will disappear.

Scope of Juvenile Court.—What should be the scope of the juvenile court? At present it hears all charges against young persons under 16 (except homicide) unless the young person is charged jointly with any other person over 16, and practically all applications for orders or licences relating to young persons under 16 at which their attendance is required.*

Some witnesses recommended that the juvenile court should hear not only cases where the child is the offender, but also those where he is the victim of an offence by an adult. The principle underlying this proposal, which is in fact adopted by some foreign countries, is easily recognisable. When an offence is committed against a child the protection of the child may be as important as the punishment of the offender, and if the juvenile court is composed, as it should be, of those who are expert in dealing with children, it might well be thought to be the most appropriate tribunal for the purpose. We see considerable objection to the adoption of this recommendation, especially as regards the more serious offences such as cruelty or indecency. The trial of these cases is often difficult, and the best juvenile courts would not be as well equipped for this purpose as the ordinary courts. Further, the proposal would militate seriously against the separation of the juvenile court from the atmosphere of crime, which is one of the main objects before us, and any advantage to be gained would largely be neutralized. So far as concerns the protection

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* Applications for a licence under the Children (Employment Abroad) Act, 1913, can only be made to a police Magistrate at Bow Street Police Court

of the child who has been injured, we think this is a matter which might well occupy the juvenile court at a later stage, and we shall consider this in its appropriate place.

In matters, however, of civil jurisdiction relating to children the same objections do not apply, and we are glad that the Rules made by the Lord Chancellor under the Adoption of Children Act, 1926, provide for the hearing of applications for adoption orders in the juvenile court. It appears to us that as more work of a civil character is allotted to the juvenile court greater emphasis will be placed on the protective rather than the punitive side of its work.

Maximum Age.—Under the existing law the jurisdiction of the juvenile court does not extend beyond the age of 16. We have considered whether in any future legislation this limit should be raised, and if so by how many years. Some of the juvenile courts in other countries deal with young offenders up to the age of 21, but it seems to us quite illogical to bring a young man of 19 or 20, who is doing a man's work and is possibly married, with children of his own before a court whose main function is to care for children. The recommendations made to us for the most part varied between leaving the age at 16 or raising it to 17 or 18.

The principal object to be borne in mind is the desirability of keeping the adolescent boy and girl as long as possible from the police court, and having regard to this object we think the present limit of age for the juvenile court is too low. It may be said that any limit of age is arbitrary, but boys and girls of 16 are still immature, and there is very little difference between them and those under 16. The experience gained since the Children Act was passed would not appear to show that any serious difficulty would arise from entrusting young persons under 17 to the jurisdiction of the juvenile court. The raising of the age, however, to 18 might have the effect of bringing before the juvenile court a number of much more serious offences than it has hitherto dealt with. This would tend to change the character of the court, and we doubt whether it would induce the right feeling of responsibility for their actions in the mind of those concerned. It is of course true that some lads and girls of 17 have a lower mental age and are less precocious than younger children, but a consideration of mental age would introduce a number of difficulties which cannot easily be overcome, and we think the only safe course is to take actual age as the dividing line. Some of the witnesses would get over the difficulty by introducing a system of concurrent jurisdiction between the ages of (say) 16 and 18. This might be based either on a statutory classification of offences or on the discretion of the court. The former alternative would present almost insuperable difficulties; the latter would place an unfair responsibility on the Magistrates. The discretion, moreover, could not properly be exercised without disclosure of

the alleged offender's record before the trial, and the mere fact of transfer from the juvenile court to the adult court might be regarded by the defendant as prejudicial to his case. Any proposal for concurrent jurisdiction would introduce a measure of complication and delay into the procedure of the courts without in our opinion producing any commensurate advantage, and we should much prefer to see a definite limit fixed between the two courts as at present. On the whole, after careful consideration we think it would be wise to proceed with some caution in this matter, and we recommend that the age should be fixed at 17. Further experience may justify the eventual raising of the age to 18.

Definition of young person.—The considerations which have led us to recommend the raising of the age for the juvenile court to 17 apply also to many other provisions in the Children Act concerning young persons, and we think that the time has come for raising the age generally from 16 to 17. We recommend, therefore, that for the purposes of the Children Act a young person should be defined as meaning a person who is 14 years of age and upwards and under the age of 17.

Constitution.—The constitution of the juvenile court is probably the most important question which we have to consider in this part of our enquiry. The success of the juvenile court must depend on the outlook of the Magistrates who hold it. No change in procedure can be effective if the Magistrates are unfit for their task. It is not easy to specify the qualities which constitute fitness. No limits of age would guarantee suitability. No stereotyped method of selection by professional qualifications, educational or otherwise, would secure inevitably the right choice, though experience of social work among boys and girls must be a valuable asset. The qualities which are needed in every Magistrate who sits in a juvenile court are a love of young people, sympathy with their interests, and an imaginative insight into their difficulties. The rest is largely commonsense.

The selection of Magistrates for the juvenile courts, with the exception of London, where there is a special procedure, is largely haphazard. Many of the Benches have a special rota for the juvenile court, and where there are women Magistrates they are usually found on the rota, but the practice is not universal, and some Benches have no women Magistrates.* The impression which we got from the evidence was that many Magistrates take a sincere interest in the juvenile court and the welfare of the young offender, but instances were brought to our notice in which Magistrates sitting in these courts were unfitted through deafness or other physical disability for the work, or in which the work was done perfunctorily or without any genuine grasp of the problem involved.

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* See Third Report of the Children's Branch, p. 8.

One of the proposals put before us was that the Secretary of State should be responsible for the setting-up of juvenile courts throughout England and Wales, as he is responsible for doing so in London under the present law. Under this scheme the juvenile court would act for a specified area and might be composed either of persons already appointed to be Stipendiary Magistrates or Justices of the Peace, or persons specially appointed by the Secretary of State for the purpose. This proposal would emphasize the separation of the juvenile court from the police court, but it would involve the duplication of the existing system for the local administration of justice and a transference of authority for the appointment of Magistrates to these courts from the Lord Chancellor to the Secretary of State. We do not think this change desirable. We attach great importance to local interest and local initiative in this as well as in other matters connected with the administration of justice and we believe that a satisfactory method of appointment can be developed as an extension of the present system.

There is an undoubted need for more Justices who are really suited for work in the juvenile court and are willing to give their time to it. We propose that the Lord Chancellor (and the Chancellor of the Duchy of Lancaster) should be asked, in appointing Justices of the Peace, to include a sufficient number of men and women who have special qualifications for dealing with children and young persons. In order to enable them to fulfil this function the Advisory Committees, whose duty it is to make recommendations, should have their attention specially called to the needs of the juvenile courts and should be asked to include in their recommendations the names of such persons and particulars of their qualifications. As an example of suitable qualifications may be mentioned experience and interest in educational or social work among the young as well as practical knowledge of the homes and conditions of life of the class of children who usually come before the juvenile court. Most Magistrates are not appointed until they have reached middle age, but the service of the juvenile court demands younger recruits and special attention should accordingly be paid to considerations of age. The choice of Magistrates for the juvenile court should in no case be narrowed by considerations of the political party to which a person may belong.

We understand that some petty sessional divisions are at present without women Magistrates. If our recommendation in the preceding paragraph is accepted, it will obviously be necessary to secure the appointment of a sufficient number of women Magistrates throughout the country.

The Statute should contain some general direction that Magistrates who sit in juvenile courts should have special qualifications for the work, and the constitution of these courts should be governed by rules to be made by the Lord Chancellor. These rules should, in our opinion, provide that the Justices of

each petty sessional division should elect each year a small panel of men and women Justices, which should normally not exceed twelve of their number, to sit in the juvenile court, and that no Magistrate who is not so elected should be qualified to sit. The panel would elect its own Chairman and Vice-Chairman, and arrange a rota, if necessary, for the year.

It is important to establish and maintain the principle that Magistrates should not be permanently allotted to juvenile courts, but that they should be elected for a limited period and should only be re-elected so long as they retain in full vigour those qualities of mind and body which are necessary for this most responsible work.

There should be a limit to the number of Justices actually present at any session of the court. The reports record a wide difference of practice in this respect, the number varying from two to ten. It is not unusual to find five or six Justices present. The number should ordinarily be limited to three, but the rules should have regard to the needs of rural districts, where a limit of three, owing to the large area covered, might give rise to difficulty. In these cases the number should not exceed five. Both sexes should normally be represented on the Bench.

Where the number of juvenile cases is very small there may be some difficulty in securing the constitution of a court with suitable qualifications. To meet such cases a system of combination might well prove effective. The principle of combination has been applied to the organization of probation work in Part I of the Criminal Justice Act, 1925, and we see no reason why it should not be equally applicable to the juvenile court. We recommend, therefore, that provision for combination on the same lines should be made in any new legislation.

We have considered the position in London. Juvenile courts are held at present in nine different centres, and having regard to the distances to be travelled the number of centres could not well be reduced without causing considerable inconvenience to parents, witnesses and other persons who have to appear.

In seven courts Metropolitan Magistrates preside and are assisted in each case by two Justices, one man and one woman. In the remaining two courts Metropolitan Magistrates sit alone. The principle of associating Metropolitan Magistrates with Justices appears to have worked very well. We think it should be continued and applied to all the juvenile courts without exception.

The Secretary of State is responsible for nominating the Metropolitan Magistrates who preside over the juvenile courts and the panel from which the Justices are chosen. In the former case he is required to have regard to " their previous experience and their special qualifications for dealing with cases

of juvenile offenders." It seems to us that the same requirements should apply to the nomination of the panel of Justices. The main defect in the present system of nomination is that the presidents are not chosen out of the whole body of Metropolitan Magistrates : the choice is in practice limited to the Magistrates of the police court to which the particular juvenile court is attached. The work of the juvenile courts is so important that they should be constituted in the best possible way, and for this reason we think that the Secretary of State should have as much freedom as possible in selecting both the presidents and the Justices who sit with them, and that in both cases his choice should be determined by considerations of previous experience and special qualifications for the work. So far as the presidents are concerned the choice should be as far as possible unrestricted by any considerations arising out of the arrangements made for the adult courts.

Some witnesses recommend that a single Metropolitan Magistrate should preside over all the juvenile courts. This would mean that the Magistrate nominated for this purpose would have to devote his whole time to this work, and would lose the valuable experience which he now gains in the adult court. This seems to us a serious disadvantage. Another proposal was to reduce the number of presidents from nine to four, and to arrange for each of the four to preside over two courts on different days of the week. We think there would be considerable advantage in reducing the number of presidents, because it would enable those Magistrates who are keenly interested in the work of the juvenile courts and who have special qualifications, to devote more time to it, and it would tend to secure a more uniform policy in the treatment of juveniles. We do not, however, think it desirable for us to specify an exact number, as the arrangements for the supply of Magistrates to the Metropolitan Police Courts are necessarily complicated, and we think the best plan can be arrived at only after careful review of the existing arrangements in the light of the principles which we have suggested.

One of the difficulties which confront Magistrates, however well-qualified, who sit in the juvenile courts is that they have to gain their own experience and formulate their own practice, which must necessarily be based on a limited number of cases. They have little opportunity of learning from the experience of others. This difficulty is inevitable and cannot be easily overcome, but we suggest that a good deal of benefit might result if conferences could sometimes be held in different parts of the country, at which Magistrates sitting in the juvenile courts could be present and exchange views as to the methods adopted. The Home Office should keep in close touch with the juvenile courts and furnish them with full information, especially as to the character and scope of the various homes and institutions which serve their needs.

Further, we consider it of great importance that Magistrates should themselves visit some of these institutions from time to time. Some Magistrates, we are well aware, do so, and the contact thus established has proved of high value. If the choice of institution, as we propose, is left to the court, it is very desirable that Magistrates should be able to exercise a discretion based to some extent upon personal knowledge.

Procedure.—We have heard a great deal of criticism of the procedure followed in trying cases of children and young persons in juvenile courts. The procedure is based, with certain modifications, on that which obtains in all courts of summary jurisdiction. Many witnesses expressed the view that the proceedings are too complicated and the language too technical, with the result that the young person does not properly understand what is taking place. There was a consensus of opinion in favour of a much simpler procedure.

The trial of children (under 14) and young persons (under 16) is regulated by the Summary Jurisdiction Act, 1879 (sections 10 and 11), as amended by the Summary Jurisdiction Act, 1899, and the Children Act, 1908. The relevant passages are as follows :—

section 10. *Summary trial of children for indictable offences unless objected to by parent or guardian.*—(1) Where a child is charged before a court of summary jurisdiction with any indictable offence other than homicide the court, if they think it expedient so to do, and if the parent or guardian of the child so charged, when informed by the court of his right to have the child tried by jury, does not object to the child being dealt with summarily, may deal summarily with the offence and inflict the same description of punishment as might have been inflicted had the case been tried on indictment.

(2) For the purpose of a proceeding under this section the court of summary jurisdiction, at any time during the hearing of the case at which they become satisfied by the evidence that it is expedient to deal with the case summarily, shall cause the charge to be reduced into writing and read to the parent or guardian of the child, and then address a question to such parent or guardian to the following effect :—" Do you desire the child to be tried by a jury, and object to the case being dealt with summarily? " with a statement, if the court think such statement desirable for the information of such parent or guardian, of the meaning of the case being dealt with summarily, and of the assizes or sessions (as the case may be) at which the child will be tried if tried by a jury.

(3) Where the parent or guardian of a child is not present when the child is charged with an indictable offence before a court of summary jurisdiction, the court may, if they think it just so to do, remand the child for the purpose of causing notice to be served on such parent or guardian, with a view so far as is

practicable of securing his attendance at the hearing of the charge, or the court may , if they think it expedient so to do, deal with the case summarily.

. . . . .

section 11. *Summary trial of young persons.*—(1) Where a young person is charged before a court of summary jurisdiction with an indictable offence other than homicide, the court, if they think it expedient so to do, having regard to the character and antecedents of the persons charged, the nature of the offence, and all the circumstances of the case, and if the young person charged with the offence, when informed by the court of his right to be tried by a jury, consents to be dealt with summarily, may deal summarily with the offence.

. . . . . .

(2) For the purpose of a proceeding under this section, the court at any time during the hearing of the case at which they become satisfied by the evidence that it is expedient to deal with the case summarily, shall cause the charge to be reduced into writing and read to the young person charged, and then address a question to him to the following effect :—" Do you desire to be tried by a jury, or do you consent to the case being dealt with summarily?" with a statement, if the court think such statement desirable for the information of the young person to whom the question is addressed, of the meaning of the case being dealt with summarily, and of the assizes or sessions (as the case may be) at which he will be tried if tried by a jury.

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It will be seen that under the law as it stands all indictable offences (except homicide) committed by young persons can be dealt with summarily if the court thinks it expedient and if the young person or, in the case of a child, the parent consents.

It was suggested to us by some witnesses that the right of election to be tried by a jury should no longer be given to persons under 16, but other witnesses saw great difficulty in taking away from the young offender a right which under English law has belonged to all offenders young and old since time immemorial. The practical question may at once be asked, to what extent is the right exercised? The official statistics show that about a dozen young persons every year are committed for trial from juvenile courts, but instances in which such committal is the result of election by the young person, or in the case of a child by his parent, appear to be very rare. Is it therefore worth while complicating the procedure of the court by an explanation of what trial by jury means—an explanation which it is difficult to make clear to the child and often to his parent—if the right is so rarely exercised? The law has already taken away the right when the parent of the child is not present. There is also this consideration ; the law now discriminates

between the treatment of the young offender and the adult, and we hope that following our recommendations the discrimination will be even greater in the future. No child can be sent to prison, and the steps that can be taken by a court, whether a probation order, or sending to a school or otherwise, are all steps taken for the protection and training of the child. The need for a conviction will also, we hope, disappear. We have every confidence in the justice of the treatment which is given to young offenders in the juvenile court, and even if the right of election to go for trial is taken away the right of appeal will remain. In the light of these considerations we propose that children under fourteen—except in cases of homicide—should always be dealt with by summary procedure in the juvenile court. We have considered whether our recommendation under this head should extend to young persons, but in view of the fact that we propose to raise the age from 16 to 17 and that some of the offences committed by boys and girls over 14 may be of a serious character, we think that it would be better to leave the law as it stands.

The Criminal Justice Act, 1925, section 24 (2), has made a rather important change in the law as to the point at which a court of summary jurisdiction may decide whether it is expedient to deal summarily with a case. The Summary Jurisdiction Act, 1879, (sections 12 and 13), required that the court should be satisfied *by the evidence*, but the words in italics have disappeared and it is now possible for the court to decide this question at any time during the hearing. The object of the change was to simplify procedure by avoiding the need for taking unnecessary evidence. We think that a similar change should be made as regards the trial of young persons.

It was felt by several witnesses that the method which is followed generally in summary procedure of first taking some evidence and of then asking the offender whether he pleads guilty or not guilty is not really appropriate for juvenile courts. It was pointed out that the average child when asked a direct question which he understands will reply with marked candour and truthfulness and this characteristic is likely to be thwarted if he first hears a policeman describing what he is alleged to have done in somewhat technical language. It was therefore suggested that the child would be much more likely to tell the truth if the charge were at the outset explained to him in simple language without the use of any particular form of words and he were then asked whether he did it or not. If the child denied the charge evidence would then be taken. We sympathise with the object of this suggestion, but we would point out that there is considerable difference in the character and seriousness of offences and the law properly discriminates in the manner in which the offender who is found guilty should be treated. This discrimination is inevitable whether the offender

is an adult or a juvenile. It may therefore be necessary in some cases for the court to hear a certain amount of evidence before being in a position to define the exact nature of the offence. Some of the most experienced Magistrates in juvenile courts have made a practice of giving a liberal interpretation to the requirements of the law, especially in their application to the younger children, and it appears to us that in this matter a wise discretion can properly be exercised.

Attention was also drawn to the undesirability of questioning parents in the presence of their children. We doubt whether the necessity for doing so can always be avoided, but the objections are so obvious that they will always be present in the mind of the court. Once the guilt of the offender has been admitted or proved and the question of treatment is under consideration it is of course open to the court to see the child apart from his parents or to consult the parents without the presence of the child, and this is sometimes desirable.

There was general agreement among the witnesses that when the court has reached a decision as to guilt, no conviction should be recorded. We were constantly informed that young offenders suffered in after life as a result of a conviction by a court, even though it may have been for a trifling offence, and that it prevented them from entering careers for which they were eminently suited. The difference between being found guilty and being convicted is a technical one and we are under no illusion that a change of name can effectively be used to conceal a fact. It appears to us, however, that there is no value in the use of the word " conviction " in juvenile courts and its disappearance would tend to mark the distinction between these courts and adult courts. We think that in every case in a juvenile court the use of the words " conviction " and " sentence " should disappear. When a child or young person is found to have committed an offence the court should have power to make such order as appears suitable for the case, whether it be probation, guardianship, residential school, or other treatment. There should, however, be a right of appeal against any such order in the same way as if a conviction had been recorded, and other consequential effects would have to be considered and provided for.

It has been brought to our notice that considerable inconvenience sometimes arises in juvenile courts when a child is remanded for enquiries or observation. Unless the same Justices are present when the child comes before the court on remand the proceedings must be re-opened even though the offence has been admitted or proved. We deal with this point in our suggestions for amending procedure.

While the procedure of juvenile courts should in our opinion be based on that of courts of summary jurisdiction generally, we think that it should be specially adapted for its

purpose and should be made as simple as possible. We suggest that sections 10 and 11 of the Summary Jurisdiction Act, 1879, should be repealed and that the procedure to be followed in the juvenile court should be incorporated in the Children Act. We suggest that provisions on the following lines should be included :—

(*a*) Where a child or young person is brought before a juvenile court for any offence it shall be the duty of the court as soon as possible to explain to him in simple language the substance of the alleged offence.

(*b*) Where a child is brought before a juvenile court for any offence other than homicide the case shall be finally disposed of in such court, and it shall not be necessary to ask the parent whether he consents that the child shall be dealt with in the juvenile court.

(*c*) Where a young person is brought before a juvenile court for an indictable offence other than homicide and the court becomes satisfied at any time during the hearing of the case that it is expedient to deal with it summarily, the court shall put to the young person the following or a similar question, telling him that he may consult his parent or guardian before replying :—

"Do you wish to be tried by this court or by a jury?"

and if the court thinks it desirable it may explain to the young person and to his parent or guardian the meaning of being so tried and the place where the trial would be held.

(*d*) After explaining the substance of the alleged offence the court shall ask the child or the young person (except in cases where the young person does not wish to be tried in the juvenile court) whether he admits the offence.

(*e*) If the child or young person does not admit the offence the court shall then hear the evidence of the witnesses in support thereof. At the close of the evidence in chief of each such witness the child or young person shall be asked if he wishes to put any questions to the witness.

If the child or young person instead of asking questions makes a statement he shall be allowed to do so, and it shall then be the duty of the court to put to the witness such questions as appear to be necessary. For this purpose the court may put to the child or young person such questions as may be necessary to explain anything in the statement of the child or young person.

(*f*) If it appears to the court that a *prima facie* case is made out, the evidence of any witnesses for the defence shall be heard, and the child or young person shall be allowed to give evidence or to make any statement.

(*g*) If the child or young person admits the offence or the court is satisfied that it is proved, he shall then be asked

what he desires to say. Before deciding how to deal with him the court shall obtain such information as to his general conduct, home surroundings, school record, and medical history, as may enable it to deal with the case in the best interests of the child or young person, and may put to him any question arising out of such information. For the purpose of obtaining such information or for special medical examination or observation the court may from time to time remand the child or young person on bail or to a Remand Home.

(*h*) If the child or young person admits the offence or the court is satisfied that it is proved, and the court decides that a remand is necessary for purposes of enquiry or observation, the court may cause an entry to be made in the court register that the charge is proved and that the child or young person has been remanded. The court before whom a child or young person so remanded is brought may without further proof of the commission of the offence make any order in respect of the child or young person which could have been made by the court which so remanded the child or young person.

The opportunity should be taken of revising and consolidating in the Children Act the various provisions which deal with the limitation of the punishment of children and young persons.

We also recommend that all the forms used by the juvenile courts should be reviewed and framed in language which should be made as simple and as intelligible as possible to young people.

Information at Disposal of Court.—It is essential that the juvenile court, whose main function it is to consider the welfare of the young persons who come before it and to prescribe appropriate treatment for them, should have, in all except trivial cases, the fullest possible information as to the young person's history, his home surroundings and circumstances, his career at school and his medical record. It will be seen from the summary published in the Third Report of the Children's Branch that the service of the juvenile courts in this respect is not at present satisfactory.

Taking first the home surroundings: many courts appear to rely on the police for a report on the character of the home, but others receive reports both from the officers of the local education authority and from the probation officers. The local education authorities have officers who are constantly visiting the children's homes and their reports should be furnished to the court. In many cases this information can usefully be supplemented by special enquiries made by the court's probation officers. The two classes of officers should work in

close co-operation. Sometimes, especially in regard to he older lads and girls, a police report dealing with the young offender's behaviour outside his own home may be helpful.

The school record, including information as to attendance, conduct and educational standard, should also be supplied to the court, because it may throw useful light on the best way of dealing with a case. It should be left to the local education authority to present this information in the form which is likely to be most useful to the court, and to arrange if desired for the attendance of its representative. Similar considerations apply to the school medical record. We shall deal later with the question of medical examination on remand, but knowledge of the previous medical history and treatment would often enable the court to see whether the medical aspect is important and whether further attention must be given to it.

In the treatment of young offenders hitherto sufficient use does not appear to have been made of the information in the possession of education authorities. This applies particularly to children of school age, but in view of the extension of educational facilities to young persons of fifteen or even sixteen years of age, these authorities often have a good deal of information about older boys and girls. In some places the importance of this information has been fully recognised, and there has been close co-operation and consultation between the police and education authority. This, in our opinion, should be the rule throughout the country. In any case where a child or young person is to be brought before a juvenile court we recommend that the police should as soon as possible send a notification to the local education authority in order that that authority may collect the available information in its possession and be in a position to present it to the court when the case is heard. For similar reasons a notification should also be sent to the probation officers of the court.

Juvenile Court premises.—In 1908 when the Children Act was passed the juvenile court was a novelty and the law did not require the court necessarily to be held in a different building. The alternatives contemplated in section 111 are that the court should either be held in a different building or different room from that in which the ordinary sittings of the court are held, or on different days or at different times from those at which the ordinary sittings are held. The Juvenile Courts (Metropolis) Act, 1920, carried the matter further because it enabled the Secretary of State to provide for the courts being held elsewhere than in the buildings used as metropolitan police courts. The majority of juvenile courts throughout the country are held in the same building as that in which the ordinary courts are held, and usually in the same room.*

* See Third Report of the Children's Branch, p. 7.

Only in a comparatively small number of cases is the court held elsewhere. Liverpool alone has provided a special building, but we are glad to learn that Birmingham will shortly be in the same position. In London six out of nine juvenile courts are held away from the police courts. A seventh was first started away from the police court, but the accommodation was found to be so unsuitable that it was necessary to take the court back to the police court, though arrangements were made to hold the juvenile court in a separate court room and to provide a separate entrance and waiting rooms. Great difficulty was experienced in finding suitable accommodation in London, as it was desirable for the convenience of the Magistrates and staff to have the premises close to the police courts. Several of the existing premises are far from satisfactory.

We attach great importance to holding the juvenile court away from the building in which adult cases are heard, however good the accommodation in that building may be. It is one of the best ways of emphasizing the difference of treatment between the juvenile and the adult; and it is the only effective method of keeping the juvenile from the undesirable associations of the adult court. We think that the time has come for a general provision that the juvenile court shall not be held in any premises used for the holding of other courts. We recognize, however, that there may be instances, especially in rural districts, where it may be difficult to insist on this requirement for the present, and we recommend that the Secretary of State should be authorized to make exceptions if, having regard to all the circumstances, he is satisfied that they can properly be made without detriment to the welfare of the children and that proper arrangements will be made to avoid any contact with adult offenders.

In London a special effort should be made to secure more suitable premises for some of the juvenile courts. We hope that some of the larger towns will follow the example of Liverpool and Birmingham, and provide a special building. Where this is impracticable there ought to be little difficulty in finding some room, for instance, in the town hall, education office or other public building, which could be made available for the purpose. In rural districts the principle of combination to which we have referred above may help to solve the difficulty.

The furnishing and arrangement of the room used for a juvenile court may appear to be unimportant details, but they are bound to have an effect on the mind of the young delinquent and may have a marked bearing on his demeanour. It is desirable that he should obtain neither too high nor too low an estimate of the importance of the occasion. The furniture should be of a simple character, as though an enquiry, rather than a trial, were being held. No dock or witness box or lofty bench is required; ordinary tables and chairs are suitable, and they should be so arranged that the child or young person can stand as near the presiding

Magistrate as is convenient, and understand clearly who are the persons adjudicating on his case. Attention to these details will, we believe, to some extent allay that confusion of thought which, according to some witnesses, is often present in the minds of young people in the juvenile court owing to the strangeness and formality of their surroundings.

Persons present in Juvenile Courts.—There is discrimination between the juvenile courts and ordinary courts of summary jurisdiction in the matter of publicity. The Children Act (section 111 (4)) provides that in a juvenile court no person other than the members and officers of the court and the parties to the case, their solicitors and counsel, and other persons directly concerned in the case shall, except by leave of the court, be allowed to attend. Members of the public are excluded and the only exception is made in behalf of *bona fide* representatives of a newspaper or news agency. It was suggested to us by several witnesses that future legislation should provide for the exclusion of the press, but we are not satisfied that this right should be taken away so long as it is not abused. It is obviously undesirable that names and addresses of the children or any other matter should be published that can lead to their identification. In most cases members of the press readily respond to all requests made by the court not to publish this information, but exceptions have been brought to our notice in which such information is still published in spite of requests made by the court. If therefore the exception made in respect of the press is retained, as we think it may well be, the publication of the name, address, school, photograph, or anything likely to lead to identification of the young offender should be prohibited.

Although the clear intention of the Children Act was that proceedings in the juvenile court should be private, it appears from the information presented to us that the number of persons present is often unduly high, sometimes amounting to twenty, thirty, forty, or even fifty persons. In some courts it has been the practice to admit students who are taking a course of social service. While it may be useful to students to make themselves conversant with the conditions of work in a juvenile court, we think the practice is prejudicial to the interests of the young people concerned. If the number of persons present is large the whole character of the court becomes changed and its usefulness seriously affected. The statute should make it plain that the proceedings in juvenile courts should be as private as possible, and that only those persons immediately concerned in the case before the Court should be allowed to be present. Any other person should only be admitted in exceptional circumstances by special leave of the court.

The question was raised whether policemen should wear their uniform in court. It seems to us unimportant, because children are familiar with the uniform in the streets.

It is a matter which may safely be left to the discretion of the court. The number of policemen present is in our view more important than the question of uniform. Only those officers should be allowed to appear in court whose presence is essential for the proper hearing of the case.

Charges at Police Stations.—Young offenders who eventually come before the juvenile court are, like adults, charged at police stations. It may seem illogical to take so many precautions for separating the trial of the child or young person from that of an adult when in the preliminary stages he goes to a police station to which many adults of a disreputable character are taken, and where the associations, especially in large towns, may be worse than those of a police court. It would be difficult, however, if not impossible, to find any suitable alternative. The police station is always open, and there are experienced officers on duty authorised to receive the charge, to grant bail or take such other action as may be necessary. We may point out that there is a requirement in the Children Act (section 96) that the police authority shall make arrangements for preventing, as far as possible, a child or young person while being detained in a police station from associating with an adult, other than a relative, charged with an offence. Care should be taken that this requirement is strictly observed. A special room should be provided if practicable and a police matron or police woman should be available to look after girls and young children. Charges against persons under 17 should be dealt with as early as possible after their arrival at the police station.

5.—Trial of Young Offenders in Adult Courts.

Under 17.—Children and young persons who are charged jointly with any other person not being a child or young person are expressly excluded by section 111 of the Children Act from the jurisdiction of the juvenile court. The practice of making joint charges is more common than would be supposed, owing to the fact that many young people who commit offences work in gangs. The figures are as follows :—

	1923.	1924.	1925.
Aged under 14—			
Boys	703	749	659
Girls	62	62	48
Aged 14 and under 16—			
Males	3,037	2,862	2,669
Females	146	132	82
Total Males	3,740	3,611	3,328
Total Females	208	194	130
Total Both	3,948	3,805	3,458

It will be seen that owing to the operation of this provision in the Children Act a considerable proportion of the total number of young offenders under 16 are deprived of the jurisdiction of the juvenile court, and we much regret that this should be so. The raising of the age for the juvenile court to 17 will tend to reduce the number, but the same difficulty will remain even if the age is raised. We recognize the objections to making any change in the law as to the hearing of joint charges. Inconsistency and even injustice might follow if offenders who are implicated in the same offence were tried in two different courts. On the other hand the importance of keeping young persons away from the adult court demands some change of practice. The problem does not appear to admit of a complete solution, but we recommend that, except in the case of certain serious offences, the hearing should take place in the juvenile court when an offender who is under 21 is charged jointly with a person under 17, and if the older person on a specific question being put to him by the juvenile court objects to its exercising jurisdiction, the hearing of the joint charge should be remitted to the adult court.

Even if this alteration in the law is made it will still be necessary for a substantial number of young persons to appear before the adult courts when charged jointly with older offenders, and special steps should be taken for their protection. Care should be taken to observe the provision in the Children Act (section 111 (3)) which requires arrangements to be made for preventing young persons from associating with adults charged with an offence other than an offence with which the young person is jointly charged. Such cases should also be taken at the opening of the court.

Further, in dealing with these joint charges we think there should be close co-operation between the Justices in the adult court and the juvenile court respectively. When a young person under 17 has been found guilty the adult court should be enabled to refer the case to the juvenile court for the appropriate form of treatment.

Over 17.—As regards young offenders between the ages of 17 and 21, we have no recommendation to make in regard to the method of their trial. They will come before the adult court and the conditions of their trial will be those prescribed by the law for adult offenders. It does not follow however that all reference to the age of the offender should be disregarded when he ceases to qualify for the juvenile court. Many lads and young women over 17 need as much sympathetic handling as those of a younger age. There is fortunately evidence of an increasing desire to give young men and women who have yielded to temptation which they were too weak to resist every opportunity of "making good" and to consider the possibility of reformation rather than the need for punishment. The law has already recognised the principle by extending the age of

reformative treatment to those who used to be sent to penal servitude and imprisonment, but who can now be placed on probation or sent to Borstal institutions. We believe that courts generally throughout the country make a practice of regarding the age of the offender, and the wider view now taken of the needs of young men and women offenders is one of the most hopeful developments of the administration of justice.

6.—Bail and Remand.

The disposal of a young offender before the hearing of the charge and during the time that may elapse between the first appearance before the court and the final decision as to treatment calls for careful consideration. In a large number of minor offences procedure is by summons and no question of bail or remand arises. In the more serious cases, however, in which the offender is apprehended, some method has to be adopted for securing his appearance when required by the court. During the hearing, remand in custody may be necessary either to secure the offender's reappearance or for purposes of inquiry and observation. Before discussing the problems involved it may be useful to give some account of the law and practice as it applies to children and young persons under 16 and persons between 16 and 21 respectively.

Children and Young Persons under 16.—*Before the hearing.*—When a child or young person under 16 is apprehended a superintendent or inspector of police, or other officer of police of equal or superior rank, or the officer in charge of the police station to which he is brought, may release him on a recognizance with or without sureties being entered into by him or his parent or guardian for such an amount as will in the opinion of the officer secure his attendance at the hearing of the charge. The police officer is required so to release him (*a*) unless the charge is one of homicide or other grave crime; or (*b*) unless it is necessary in the interest of such person to remove him from association with any reputed criminal or prostitute; or (*c*) unless the officer has reason to believe that the release of such person would defeat the ends of justice (Children Act, 1908, section 94).

If the child or young person is not released on bail, he must be sent to a place of detention provided under the Act unless the police officer certifies (*a*) that is is impracticable to do so; or (*b*) that he is of so unruly a character that he cannot be safely so detained; or (*c*) that by reason of his state of health or of his mental or bodily condition it is inadvisable so to detain him. The certificate must be produced to the court (section 95).

There are no available figures showing how many persons under 16 are detained each year in police cells in England and Wales under Section 95 of the Children Act, but we have obtained particulars from the Metropolitan Police District which

show that only 9 were detained at the police stations in 1924 and 8 in 1925, and in most of these cases the detention or charge room was used instead of a cell.

During the hearing.—If the court remands in custody a child or young person under 16 or commits him for trial without admitting to bail, it must send him to a place of detention unless, in the case of a young person, the court certifies that he is of so unruly a character that he cannot be safely so committed or that he is of so depraved a character that he is not a fit person to be so detained (section 97).

The police authority is responsible for providing places of detention, except in the Metropolitan Police District where, as respects London, the responsibility falls on the London County Council, as respects any county borough on the Council of the borough, and elsewhere on the Standing Joint Committee. The place of detention has hitherto served a two-fold purpose—remand and punishment. We shall deal with the latter aspect when we consider methods of treatment. As a full description of the existing places of detention throughout the country was given in the Third Report of the Children's Branch we do not propose to repeat it. It will be seen, however, from the account given in that Report that many of the places of detention are far from satisfactory, and in only a few instances do the accommodation and facilities fulfil the reasonable requirements of the Court. In London the two places provided by the London County Council—in the Pentonville Road for boys, and in the Ponton Road for girls—are admittedly inadequate, and it is understood that the Council have had under consideration for some time the possibility of providing new and better accommodation. The problem is not an easy one to solve because outside London the number of children on remand at any one time is small and the expense of providing really suitable accommodation would be very high.

The figures in regard to children or young persons sent to places of detention upon apprehension, remand, committal for trial or while awaiting transfer to a school are given in the reports of the Children's Branch. In 1910 the number was 3,746 children and 1,604 young persons. In 1925 the number had decreased to 1,406 children and 914 young persons. The largest number was naturally to be found in the London places of detention, where the average daily population is about 26 boys and 15 girls.

There is happily very little need found for using prison for the remand of young persons. Only 18 were received into prison on remand in 1925-1926.

Persons over 16.—*Before the hearing.*—Persons over 16 who cannot be released on bail are detained in police cells until they can be brought before a court. We have no information as to the number so dealt with.

During the hearing.—Persons over 16 who are remanded in custody by the court or committed for trial without being admitted to bail are detained in prison.

There are no available figures showing how many persons between 16 and 21 are remanded to prison each year, but the figures supplied by the Prison Commissioners for the three months ending the 31st December, 1925,* give the following information :—

	Males.	*Females.*
Committed on remand	547	74
Awaiting trial	36	5
	583	79

Assuming that this represents an average quarter, it would follow that about 2,000 young men and 300 young women between the ages of 16 and 21 are received into prison each year on remand.

Future Procedure.—As regards detention before the hearing of the charge, it will be seen that the number of persons under 16 detained at police stations is very small, and there would appear to be no insuperable difficulty in providing for all persons under 17 in Remand Homes, especially if new arrangements, such as we suggest later, are made for this purpose.

It is not practicable in our opinion to abandon entirely the use of police cells for offenders between 17 and 21. The police should be encouraged to make the fullest possible use of bail so as to avoid the need for custody. When custody is required it may be possible in some places to find alternative accommodation, especially for young women, in a voluntary Home or if that is not available in a poor law institution. If such accommodation affords sufficient security and is approved by the Secretary of State, the police should be authorised to detain young offenders there instead of in police cells, or young offenders who have no home might be sent there as a condition of their bail.

As regards custody on remand by the court, similar considerations arise both as to persons under 17 and those over this age, and these considerations are to some extent conflicting. On general grounds the detention of an alleged offender on remand is undesirable and should be avoided whenever possible by a free resort to bail, except when there is no sufficient guarantee of the offender's surrender to his bail. On the other hand, remand in custody may be desirable for the purpose of examination and observation and it is this aspect of the problem to which we wish especially to draw attention.

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* *See* Appendix III.

We have been much impressed by the views expressed to us as to the need of much greater facilities for the examination and observation of young offenders. To the court is entrusted the very important function of deciding the right treatment to be applied to each particular case. Once the principle is admitted that the duty of the court is not so much to punish for the offence as to readjust the offender to the community, the need for accurate diagnosis of the circumstances and motives which influenced the offence becomes apparent. For instance, it is not possible for the court to determine whether release on probation or some form of institutional treatment is called for without the fullest enquiries as to the antecedents and surroundings of the offender. These enquiries can often best be pursued if there is a remand in custody. But more important still is the need for estimating the personal factors, including especially mental and physical health. There is always the possibility of mental deficiency, the discovery of which would lead to special treatment. The increase in recent years of that distressing complaint *encephalitis lethargica* has emphasised the need for careful examination. It is well known that persons who are suffering from the sequelae of this disease are liable to lose their mental or moral balance and appear before the courts as offenders. It is wrong that they should be treated as normal persons and they ought to receive the treatment appropriate to their condition. We refer again to this question in a later section dealing with mental deficiency.

There is also the help which psychological knowledge and training can give in estimating the mental equipment of young people who are charged with offences. Though psychology is still a comparatively new science a great deal of attention is being given to it and many medical men constantly apply its principles in their private practice. It is well known that boys and girls whose parents are in a good position and who become delinquent at school or elsewhere are frequently taken to neurologists and other specialists, and proper treatment is applied. Those who appear before the court are often suffering from the same causes and it is not right that the mental aspect should be ignored in the treatment of their case. The real value of psychological method has been somewhat obscured in recent years by sharp controversies about particular theories. It is fortunately not our function—even if we had the knowledge —to take any part in such controversy. We only wish to make it clear that in our opinion all the resources of approved medical science in relation to the functions of the mind should be available under any system of observation such as we envisage.

So far as the existing places of detention for persons under 16 are concerned, little is done in the way of special medical examination. Children are sometimes examined at the place of detention by the school medical officer, police surgeon or other doctor, but in very many cases the juvenile courts have

no regular way of securing medical examinations. The London County Council, at the request of a Magistrate, arrange for specialist members of their staff, including a psychologist, to furnish special reports on children in their places of detention, but the arrangements are in no sense systematized.

In the case of those over 16 remanded to prison, more progress has been made. The Prison Commissioners have arranged to concentrate in the Boys' Prison at Wandsworth all lads remanded from the London area and all those who have been committed to Borstal institutions. The Boys' Prison is under a specially qualified medical staff who keep the lads under special observation and are in a position to furnish the courts with much valuable information and advice on the medical aspect of each case. This medical work is supplemented by careful enquiries made into the home surroundings by a group of voluntary women workers.

We are satisfied that a much better system of examination and observation is required for young offenders on remand —not only for the juvenile courts but also for the adult courts which deal with young offenders between 17 and 21. How is this to be done? For the younger persons it would be impossible to provide the expert staff at most of the places of detention. Even in London the average numbers are too small to make it anything but an extravagant proposition. For those older, though Wandsworth Prison has done much excellent work in this direction it is greatly hampered by its surroundings, and we are convinced that these examinations ought not to be carried on in a prison. Outside London the same need arises and though the Prison Medical Officers do what they can the requirements cannot be adequately met.

We have studied the methods adopted in other countries in meeting this problem, especially in Belgium. We have received a good deal of information about the Observation Centre for lads at Moll and the similar Centre for girls at Namur and several members of the Committee paid a special visit to Belgium to study the methods on the spot. The Central Observation School at Moll, which was opened in 1915, owed its origin to the passing of an Act a few years earlier which gave the juvenile courts power to commit children to the care of the State. To enable the State to fulfil its obligations a systematic method of observation was felt to be essential. To this school young people are sent from the courts as a preliminary step and their subsequent treatment depends on the results of the observation there. The school is organised on the basis of separate Houses according to age, and there the lads live for several months under a carefully organised system of work and recreation, though there is considerable freedom of choice left to the individual. An ingenious system of tests is applied to ascertain as far as possible the particular boy's tastes, abilities, and proclivities. As a

result of the treatment some of the lads are returned to their homes after a stay of a few months (about 10 per cent.), some are boarded out (about 10 per cent.), some are sent to voluntary Homes (about 4 per cent.), some are sent to a State school (about 52 per cent.), and some to a special institution (about 21 per cent.). Moll is under a Director of exceptional qualifications and enthusiasm for the work, and it is apparent that in this as in other instances the success of an institution largely depends on the personality of its head.

The Moll system would not fit in with English methods in every respect, but its main principle seems to us to supply an example of the sort of examination which is required in this country. In order to justify the employment of the best possible staff we think it would be right to adopt a scheme which would provide for the examination and observation, when necessary, of all persons under 21 and be available for the juvenile courts as well as the adult courts. There would be no objection in principle, and administratively it would be a great advantage if Observation Centres could provide for all offenders under 21, because it would be possible to employ the same expert staff. It would of course be necessary to provide for separation according to age groups and sex. We anticipate that at least three such Remand Homes or Observation Centres would eventually be required—one in London, one in the Midlands and one in the North. There would be obvious difficulty in finding suitable premises in London, and it might be necessary to build, or the difficulty might be got over by having two or three smaller establishments at some distance from one another served by the same expert staff. These institutions should in our opinion be provided and maintained by the State and controlled by it.

The principles upon which these Central Remand Homes should be organised and the character of the accommodation would require the fullest consideration, but we suggest that these important questions of detail can best be settled by experts when Parliamentary sanction has been obtained for the scheme.

The establishment of Central Remand Homes would make it possible to secure a fundamental change in the treatment of young offenders who are remanded in custody, especially in avoiding the use of prison for this purpose. It is unnecessary to emphasise the objections to the latter system. Although every effort is made by the prison authorities to keep prisoners on remand separate from convicted prisoners, the circumstances of many prisons render it almost impossible to make the separation complete, and the consequence is that a young prisoner on remand may be brought into some degree of association with older prisoners under sentence whose influence may be most undesirable. Further, the influence of prison, even on remand, may remove from the young offender's mind any fear of it which may have existed. On all grounds therefore we should like to see an alternative to prison.

The majority of children and young persons under 17 who cannot be released on bail could probably be sent to one of the Central Remand Homes. For instance, the Home in London might afford accommodation for all the juveniles from the Metropolitan Police Courts and the surrounding districts, and it would consequently be unnecessary for the London County Council to proceed with their scheme for providing new accommodation in place of their existing premises.

There might, however, remain throughout the country a minority of cases where it was necessary to remand in custody for a few days without the need for special examination, but where the Central Remand Home was too far away. To meet these requirements it will still be necessary to make local arrangements for the remand of children and young persons, though they need not be of an elaborate character. It ought not be difficult to find a suitable person, such as a probation officer, who is willing to provide a room for the purpose at a small charge. This is an arrangement which has been adopted in the past with good results. Whatever the arrangements may be, we think the responsibility for making them should be imposed upon the local education authority, and not upon the police. This is already the position in London, where the largest number of children are dealt with on remand, and the arrangement must tend to promote the greater co-operation which should exist between the local education authority and the juvenile court. It should be left to the Secretary of State to relieve local authorities of the responsibility if when the Central Remand Homes are established it is found that they meet fully the requirements of the courts.

Similarly, we think that the majority of young offenders between 17 and 21 could be received into one of the Central Remand Homes. For those who cannot be so received the local authority should be asked to arrange for some accommodation which in suitable cases could be used instead of a prison, and the cost of maintenance therein should be borne by national funds. It must be remembered that the existing law does not restrict custody on remand to detention in prison. The words used in the statutes (Indictable Offences Act, 1848, Section 21 : Summary Jurisdiction Act, 1848, Section 16) are " common gaol or house of correction or other prison, lock-up house, or place of security." The last phrase " place of security " is wide, and so long as proper provision is made for the custody of the person concerned, it is clear that an ordinary prison is not essential. In the case of young women greater use might be made of voluntary Homes.

Some observations may be useful as to the length of remand. Under the existing law remands in custody in indictable cases may not exceed eight clear days. Remands on bail may not exceed eight clear days unless the person remanded and

the prosecution consent to a longer period. In summary cases there is no statutory restriction upon the length of remand either on bail or in custody; but in practice the eight-day limitation is generally observed. We think it unnecessary and undesirable to make any change in the statutory period, at any rate before the offence has been proved. When this stage has been reached and the court is deciding as to treatment a longer period of remand may be necessary, especially if the offender is sent to a Central Remand Home. Even in this case we should prefer, instead of lengthening the period, to provide that the court should have power within specified limits to order a further remand without requiring the presence of the person concerned.

7. Methods of Treatment.

(i) General.

Before discussing in detail the various methods which a court can adopt in dealing with young offenders who have been found guilty of offences we should like to make some general observations on this part of our enquiry. At one time the attention of the courts was mainly confined to their primary duty of deciding whether the defendant committed the offence alleged against him. The subsequent treatment of the offender received far less consideration. Indeed the choice of method was so restricted that little room was left for any exercise of discretion on the part of the judicial authority. The less serious offences were dealt with by fine and if the fine was not paid the offender was sent to prison. More serious offences were dealt with by imprisonment, the length of which was regulated partly by statute and partly by the decision of the court, and once the sentence was imposed the offender was handed over to the care of the prison authority. Within the last two or three generations a great change has taken place. About the middle of last century public opinion revolted against the practice of sending children to long terms of imprisonment and transportation, and the reformatory school movement was born; later grew up the idea of supervising offenders in their own homes and the probation system came into being; later still the reformatory principle was extended to older lads and young women by the inauguration of Borstal institutions.

All these developments have brought with them a wider opportunity of choice of treatment and a growing interest in the fate of the offender. Instead of leaving these questions entirely to some other authority, courts are now exercising definite functions in relation to certain methods of treatment, notably probation, and some courts are following with interest the effects of training in institutions. We welcome this new interest in the actual treatment of the offender, and realizing the value of local effort and local organization we desire in our recommendations to avoid the risk of weakening them. In some countries there is a

tendency to reduce the functions of the court in this direction. The State is held to be the proper guardian of its delinquent young citizens, and when they are found guilty they are entrusted to its care. We recognise that the State must have important duties in this field. In this country the Home Office is responsible for the prison service and for the provision and management of Borstal institutions; it has a large share in the control of industrial and reformatory schools and is now a partner in the development of the probation system. But voluntary effort has also made a notable contribution to the work of re-establishing the offender, and much reliance has been placed on local initiative, in which the Justices have played an essential part. We hope to see this interest renewed and strengthened.

In considering the treatment of the young offender we believe there is no room for controversy as to the main object in view—namely, to restrain him from straying further into criminal habits and to restore him to normal standards of citizenship. The lesson that wrong doing is followed by unpleasant consequences must be taught, but in the case of boys and girls the court pays more attention to the vital question of their future welfare. It appears to us that the application of this principle ought not to be restricted by a narrow limit of age. It is not always recognised that many offences committed by lads and young women between 17 and 21 are equally due to bad surroundings or defective home training and that the remedy there is to be found not so much in the punishment of the offence as in the provision of the right sort of training for the offender.

The acceptance of this principle may sometimes involve the substitution of a longer period of detention under skilled instruction for a short term of penal discipline. "Five years in a reformatory for stealing two shillings" is the headline. The idea of the tariff for the offence or of making the punishment fit the crime dies hard; but it must be uprooted if reformation rather than punishment is to be—as it should be for young offenders—the guiding principle.

It is important to bear this consideration in mind when approaching the problem of imprisonment. The prison officials and social workers who came before us shewed a keen desire, with which we sympathize, to avoid if possible the need for imprisoning any young offender under 21. We propose to examine this question in its appropriate place and to discuss the alternatives that have been suggested.

One of the first questions which confronts us in this part of our enquiry is how far an offender can be effectively dealt with by supervision in his own home and how far it is necessary to remove him for discipline and training. This is, broadly speaking, the problem of probation versus institutional treatment. It is now being recognised that these two different systems are not in any sense antagonistic. They are really complementary, and the best results can only be obtained by

the closest co-operation between them. The institution was largely a product of the beginning of last century and institutional treatment for long periods became the panacea for all social evils. There has been a noticeable change of opinion, as may be seen from the closing of so many of the reformatory and industrial schools and the reduction in the number of prisons. This may be partly due to the increased use of probation and partly to other causes. Public opinion, which is reflected in the attitude of the courts, hesitates to take young people away from their homes and entrust their training to others unless the character of the offender or of the home renders it necessary to do so. The value of training is still recognised and it is also recognised that the character of the training given reaches a higher standard than ever; but there is a desire to discriminate more carefully between those who will benefit by training and those for whom it is unnecesary or undesirable.

Courts, in the administration of justice, have to consider the community as well as the individual, and must pay some regard to the feelings of the average citizen on the subject of the lawbreaker. In certain cases these considerations may appear to conflict. Modern theories of punishment have discarded the idea of revenge, but the individual citizen who has suffered, or has seen his friends or relatives suffer, at the hands of an offender, is apt to hold the view that the court should award a just punishment for the wrong done to him and his. He is likely to think, too, that to give such a punishment will be the best way to deter both the offender and others like him from doing similar wrongs in future. If the offender is merely placed on probation, the injured citizen may feel that justice has not been done, and that such a step will weaken the healthy fear of breaking the law which ought to exist in the minds of all. These are natural feelings, and it would be a mistake to take no account of them. Moreover, there may be substance in the criticism if release on probation is merely regarded by the offender as being "let off." The sufferer should be satisfied, and public interest should be safeguarded, by taking care that probation is made a reality, and by making the offender and the public understand that it is so. Both should know that probation is strictly a period of trial, and that if the offender fails he will be deprived of his liberty; and may be deprived of it, too, for a longer period than would have been the case had he been sentenced to imprisonment in the first instance.

There may be those on the other hand who consider it wrong to deprive an offender of his liberty for a lengthened period, unless his offence is one of the gravest kind, and who think that the weight of this objection increases as he passes adolescence and approaches manhood. We agree that there is a great difference between the application of institutional training to a boy of 14 or 15 and to a young man of 19 or 20, and that the courts should not lightly send a young offender to a

Borstal institution for two or three years. But the general considerations which we have set out under the heading "Imprisonment and its Alternatives" should provide the answer to criticism of this nature. If the alternatives are, on the one hand, a comparatively brief period of imprisonment, more likely to do harm than good to the individual, and useful only as being to some extent a deterrent to others, and, on the other hand, a period of training which is likely to withdraw him once for all from among the potential recruits for the army of habitual criminals, and make him a normal member of the community, there can surely be no hesitation as to which is the method to choose. And if that training, to be effective, requires to be of a certain length, there is no reason to shrink from awarding it provided adequate measures are taken to secure earlier release in proper cases.

The whole problem of the treatment of delinquent girls and young women is hedged with difficulties. There was general agreement that this group, which is considerably smaller than that of the lads, has been proved to be more difficult to deal with satisfactorily. Hitherto the treatment of both sexes has followed the same broad lines, but the experience of recent years, especially in reformatory schools for girls and the Borstal institution at Aylesbury, gives rise to the speculation whether the handling of the problem has been right or whether different methods ought to be pursued. Some experienced social workers advocated the greater use, especially in the case of girls, of hostels, that is to say, residential Homes where the offender lives under supervision but goes out to some daily occupation.

Another difficult question is the enforcement of fines. This is bound up with the problem of imprisonment, and we propose to discuss it under that heading.

It may be convenient first to enumerate the various methods now available to the courts for dealing with young offenders and then to discuss each method or groups of methods separately in order to ascertain whether any modification or extension is required. The existing methods as regards children and young persons under 16 are conveniently summarised in section 107 of the Children Act as follows:—(*a*) dismissal of charge; (*b*) discharge on a recognizance; (*c*) discharge to the supervision of a probation officer; (*d*) committal to care of relative or other fit person; (*e*) industrial school; (*f*) reformatory school; (*g*) whipping; (*h*) payment of fine, damages or costs; (*i*) payment of fine, damages or costs by the parent or guardian; (*j*) security by parent or guardian; (*k*) place of detention; (*l*) imprisonment (not applicable to children, and only applicable to young persons with a special certificate).

For persons between 16 and 21 methods (*a*), (*b*), (*c*) and (*h*) are available and corporal punishment under certain statutes. There are in addition Borstal treatment, detention

in police cells, imprisonment, penal servitude, and capital punishment.

To these may be added, for both age groups, in the case of lunatics or mental defectives disposal under the provisions of the Lunacy Acts and the Mental Deficiency Act.

(ii) The Probation System.

The probation system was the subject of an enquiry in 1920-1922.* Since that report was issued Parliament has introduced, by Part I of the Criminal Justice Act, 1925, several important changes in the organisation of the system. New rules to give effect to the Act have been issued by the Home Office, and circular letters explaining the changes have been sent to the courts. The main effect of the new provisions is to require the appointment in each probation area of salaried probation officers, whether part-time or full-time, who will undertake the supervision of offenders placed on probation either at petty sessions or at quarter sessions or assizes. The probation area may be either a single petty sessional division or a combination of divisions. Probation committees of Magistrates will be set up in every area, and they will be responsible for the appointment and payment of probation officers and for the supervision of their work.

The funds necessary for the payment of salaries and incidental expenses will be provided by the local authority.† subject to a government grant. Superannuation of full-time probation officers is also provided for by the Act and a scheme has been framed by a Committee specially appointed for the purpose.‡

As the organisation of the probation system has been so recently surveyed and as it is too soon to form any estimate of the effect of the new changes we do not propose to enter into any detailed discussion of the whole system but to confine ourselves to certain aspects of it which have been brought specially to our notice.

Meaning of Probation.—Some misconception has arisen as to the exact meaning to be attached to the term " probation," especially because in the Probation of Offenders Act, 1907, three differing forms of treatment are included. Where a person is brought before a court of summary jurisdiction and the court thinks that the charge is proved but is of opinion that, having regard to the character, antecedents, age, health or mental condition of the person charged or to the trivial nature of the offence or to the extenuating circumstances under which the offence was committed, it is inexpedient to inflict any punishment or any

* Report of the Departmental Committee on the Training, Appointment and Payment of Probation Officers, 1922. Cmd. 1601.

† Criminal Justice Act, 1925, section 10.

‡ Report of the Probation Officers' Superannuation Committee, 1926.

other than a nominal punishment, or that it is expedient to release the offender on probation, (1) the court may dismiss the information or charge; (2) the court may discharge the offender conditionally on his entering into a recognizance with or without sureties to be of good behaviour and to appear for conviction and sentence when called on at any time during such period not exceeding three years as may be specified in the order; (3) such a recognizance may contain a condition that the offender be under the supervision of such person as may be named in the order and such other conditions for securing such supervision as may be specified in the order, and an order requiring the insertion of such conditions in the recognizance is referred to as a probation order. Courts of assize and quarter sessions have similar powers, except that a conviction is recorded and that the recognizance requires the offender to appear for judgment.

The term "probation" is sometimes loosely applied to all three of these methods, but generally it is most closely and conveniently associated with the third method, that is to say, the release of an offender under supervision. In our view this is the proper use of the term, because however important and valuable the other two methods may be it is the idea of supervision which underlies the creation and development of the method of dealing with offenders which is generally known as the probation system. A criticism which was frequently made to us in evidence was that the term probation often meant to the offender nothing more than being "let off" and that this notion is common in the minds of the public. There is some truth in this criticism. The misconception has partly arisen from the frequent use of the phrases "dismissed under the Probation of Offenders Act" or "bound over under the Probation of Offenders Act." These methods are an essential part of the judicial system but they are applicable to cases when supervision is not required, and we think that in any new legislation the term probation should be applied only to release under the supervision of a probation officer, and not to cases of mere dismissal or binding over without supervision. The confusion has been increased by the practice of some courts of binding over offenders under a recognizance to appear for conviction and sentence and at the same time placing them under the supervision of probation officers without making a probation order. This practice seems to us very undesirable. Whenever supervision is required in such cases the decision of the court ought to be clearly indicated by the making of a probation order.

Use made of probation.—An interesting paragraph is included in the Criminal Statistics for 1924 showing the use made of the three methods respectively provided by the Probation of Offenders Act, 1907.* In that year 79,853 persons who were found guilty of offences by courts of assize, quarter

* Criminal Statistics for the year 1924 (1926. Cmd. 2602).

sessions and summary jurisdiction were dealt with under the Probation of Offenders Act, and of these cases 47,796 were dismissed, 17,864 were bound over, and 14,193 were placed under supervision. The growing use of probation properly so-called is shown by the figures published each year by the Children's Branch of the Home Office. In 1908 the number placed under supervision by all courts was 8,023, which rose in 1925 to 15,094. Taking the juvenile courts alone, the increased use of the system is still more marked, as might be expected. The number placed under supervision rose from 3,568 in 1910 to 6,357 in 1925. Broadly speaking the courts — especially courts of summary jurisdiction—seem to be well aware of the value of the probation system and to use it freely. There is, however, a considerable difference in the extent to which it is used in different places. This fact is well illustrated by the table published by the Committee of 1922 showing the use of probation in 16 towns.* The percentage varied from ·74 to 5·75. A minority of courts, mainly in the smaller towns or rural districts, had until recently no probation officers, and consequently were not in a position to release offenders under supervision. Further, very little use has hitherto been made of release under supervision by courts of assize or by many courts of quarter sessions. It is to be hoped that these limitations to the development of the system will largely disappear when the new organisation has had time to develop.

Some witnesses thought that harm is being done by an excessive resort to probation. It was suggested to us that where a young offender had failed to take advantage of a period of probation, it was a mistaken act of leniency to release him on probation for a second or third time, but that it would be in his interest to send him at once to a certified school or Borstal institution. It was further pointed out that the difficulties of those responsible for institutional treatment were greatly increased if the young offender was not sent to them until he had failed on probation several times and had become thoroughly out of hand. We sympathize with these difficulties, and we think that if the supervision of the probation officer has been efficient the failure of the method must be a *primâ facie* sign that some other method ought to be tried. So much depends on the circumstances of the individual case that we do not think it would be desirable to lay down any limit as to the number of times that a person should be released on probation. Instances, however, which have been brought to our notice in which a lad has been on probation five or six times before being sent to an institution appear to us to show that some courts are placing on the probation system a strain which it ought not to be expected to bear.

* Report of the Departmental Committee on the Training, Appointment and Payment of Probation Officers, 1922 (Cmd. 1601), Table VI.

Relation of probation to institutional and other methods of treatment.—Probation came into being as an alternative to detention in prison and elsewhere. Its main contribution lies in the idea of supervision, that is to say, the supervision of an offender in his normal surroundings by a probation officer who is likely by the strength of his personal influence to keep the offender from further crime and help him to recover his footing without resorting to institutional training. We think it necessary to emphasize this principle because there is some danger of its being overlooked.

The Criminal Justice Administration Act, 1914, which amended the Probation of Offenders Act, 1907, in several respects, provided that a recognizance under the latter Act might contain a condition with respect to residence. Increasing use of this condition has been made by the courts to require that during a part or the whole of the period of probation the probationer shall go to some kind of residential Home or institution. Particulars of such cases were obtained in 1923, and it was found that in that year 518 probationers (200 males and 318 females) were sent to Homes as a condition of their probation. Twenty-two of these were sent for a period of three months or under, 25 for six months, 224 for a year, 184 for two years, 34 for three years, one for four years and the remainder for periods not stated.* We do not think that when Parliament provided that a condition as to residence could be inserted in a probation order it contemplated that it would be used to remove an offender from his home and secure his detention, frequently for long periods, in an institution without any of the safeguards as to control and inspection which are applied when an offender is sent to a certified school or to a Borstal institution. We thus reach an illogical and even dangerous situation in which a lad or girl can be sent under the probation system to an uninspected Home for (say) two years instead of to the institutions which have been specially provided for the training of these young people with the guarantee of government inspection. In many cases the place of residence is not even determined by the court, but by the probation officer. Some courts insert in their probation orders a condition that the probationer shall live where required by the probation officer. This seems to us an objectionable form of condition, as it gives the probation officer a much greater control over the liberty and movements of a probationer than he ought in our opinion to possess. When the probationer has been sent to a residential Home it not infrequently happens that the responsibility for care is in practice transferred to the authorities of the Home, and the probation officer loses all touch with the case.

This association of institutional treatment with probation appears to have arisen from several causes. Courts from

* Second Report of the Children's Branch (1924), p. 15.

want of adequate knowledge of the home surroundings of an offender may release on probation persons who cannot effectively be supervised in their own homes, but who really need institutional training. The probation officer, realizing this position, takes the best course that seems open to him, and arranges with some Home to look after his charge. A more common incentive may be found in the desire to avoid a conviction with its resulting disadvantages, and to escape the idea of punishment which is associated with sending a young person to a reformatory school and even to an industrial school. These schools, moreover, have not yet entirely overcome the prejudices against them which were created years ago, when the punitive principle was uppermost and when the training was on narrow and repressive lines. The first mentioned cause will, we hope, be removed if our recommendations for the better observation of young offenders and more thorough enquiries before treatment are carried out. The second cause will largely disappear if the juvenile courts are enabled, as we recommend, to send young persons to certified schools without proceeding to conviction, in the same way as if they were placed on probation. If the third reason suggested above operates to any extent we can only express the hope that Magistrates will study the official reports or make themselves personally acquainted with the character of these schools.

We do not wish for a moment to convey the impression that the majority of the voluntary Homes to which probationers are sent are not in our opinion serving a useful purpose, or that they all compare unfavourably with institutions which are approved and inspected. Many of them are doing an admirable work, and are taking cases which could not easily be provided for otherwise. Others, however, are run on narrow and old-fashioned lines; the education and training given have not kept pace with modern developments, and the life of the inmates is dull and uninspired. The avenues of disposal follow traditional lines without any particular reference to individual needs, and little is done in the direction of after-care. One of the great difficulties with which many of these Homes have to grapple at the present time is the curtailment of their resources, which do not enable them to pay the salaries necessary to attract the services of a well-qualified staff or to provide the premises and equipment required for a really efficient institution. It is well known that Home Office schools, which for the most part started as Homes supported by voluntary contributions, passed through a similar stage, and were only brought to a high standard of efficiency by careful inspection and adequate support from public funds. There is a real risk, therefore, that history may be repeated, and unless suitable safeguards are found unsatisfactory forms of institutional treatment may grow up as part of the probation system.

What is the remedy? We have come to the conclusion that the function of the probation system should be supervision in the open, and that it should not be associated with institutional training in the strict sense. The juvenile court is, in our opinion, adequately served by the institutions under central control and inspection of which it may make use, and if a period of training is thought necessary such training should not be enforced by a residence condition in a probation order. As regards young delinquents above juvenile court age the same considerations apply. Lads of 17 to 21 who cannot be supervised in the open, but require institutional training, should be sent to Borstal. Girls may require somewhat more variety of method, but the main principle is the same For them, too, if they cannot be supervised in the open, institutional training should be prescribed by direct order of the court, and should not follow as an incident of a probation order. For some the Borstal system will provide the appropriate training; for others the court may think it better to order detention in an approved and inspected Home, as we suggest later.

It does not follow that a person placed under supervision cannot be removed from his home. Where training is not required, but the home is undesirable, residence in a hostel or in approved lodgings may well be made a condition of probation.

Throughout our report "Home" and "hostel" are terms used for the sake of brevity, to express two distinct and widely different things. "Hostel" is a place in which a person is lodged, and from which he goes out to ordinary work in conditions of freedom. "Home" on the other hand is institutional. It means a place in which the young delinquent not only lodges, but has his work and training.

Much greater use might be made of hostels than has hitherto been the case, both for those under and for those over 17. The hostel can be conveniently associated with probation, as the probation officer can keep in close touch with the probationer and carry out the duties imposed on him by the probation order. An example of such a hostel is afforded by the Hornby Boys' Home at Liverpool, which has been established by the Liverpool Magistrates in connection with the court. It is understood that they are now considering the possibility of a similar hostel for girls, and we hope that hostels on the same lines will be started in many other centres. Some of the Homes to which probationers are at present sent as a condition of probation are more akin to hostels than institutions for training, and it would not be difficult to transform them so as to bring them within this category. All such hostels should be approved and inspected by the central authority.

When hostels which receive probation cases cannot be maintained entirely from voluntary funds, it will be possible to make grants from public funds under the provisions

of the Criminal Justice Act, 1925, which enables local authorities and the State to contribute towards the expense of maintaining persons released on probation.

It has been suggested to us that a court should have power to combine probation with other methods of treatment. For instance, some Magistrates would like to be able to impose a fine or order a birching, and at the same time to place the offender on probation. We have considered this suggestion, but we do not support it because in our view it is not in harmony with the principle of probation. A fine or birching is a form of punishment, but under the probation system there is no punishment unless and until the probationer commits a breach of the probation order. We may point out that the Criminal Justice Act, 1925 (section 7 (4)), permits a court to fine a probationer for a breach of the conditions of his recognizance in lieu of sentencing him for the original offence and without prejudice to the continuance in force of the probation order. This provision seems to us to go as far as it is possible to go without a rather violent infringement of the main principle of probation.

Conviction before probation.—When a person is placed on probation by a court of summary jurisdiction the Probation of Offenders Act, 1907, specially requires that the court shall not proceed to conviction before making the order. When, however, the offender is committed for trial to a court of assize or quarter sessions a conviction must be recorded before he can be placed on probation. We think that this inconsistency should disappear and that in no case should it be necessary to record a conviction before an offender is placed on probation. We observe that a similar recommendation was made by the Committee on Sexual Offences.*

Efficiency of probation.—Some witnesses have criticised the present methods of probation as too soft and lacking any element of shock, and have expressed the opinion that in many cases the probationer does not understand the meaning of probation. To some extent this impression may be encouraged, as we have already suggested, by the unfortunate association of the dismissal of the charge with release under supervision. But more depends on the manner in which the court and probation officer exercise their functions. The court is required by section 2 (3) of the Probation of Offenders Act, 1907, to furnish to the offender a notice in writing stating in simple terms the conditions he is required to observe, and many courts do, we believe, make a practice of explaining to the offender the seriousness of his position and the risk which he incurs if he commits any breach of these conditions. This is a practice which should be made general.

The conditions which may be inserted in the probation order under the existing law seem to us adequate but greater

* Report of the Departmental Committee on Sexual Offences against Young Persons, 1925 (Cmd. 2561), Sections 40 and 86.

care should be taken to see that the conditions actually inserted meet the requirements of the particular case. The form of the probation order might be revised with advantage so as to make it as simple as possible, and the consequences which may follow the breach of the order should be stated in the order. The conditions usually inserted are of a rather general character, namely, that the probationer shall live an industrious life, shall not associate with bad companions, or shall abstain from intoxicating drink. Definite and positive conditions suited to the individual circumstances of the offender might in many cases produce a better result. For instance, in the case of many young offenders a requirement that he shall attend specified evening classes or continuation schools would be an advantage. It is very important for young people to be brought into touch with some organised religious or social movement. This, however, comes within the functions of the probation officer, and we are glad to observe that the Probation Rules (No. 43) deal with this point.

Where the offence committed is theft or damage to property the seriousness of the offence can often be brought home to the offender by the court exercising its power to order restitution in whole or part. We recognise that this power cannot be used in some cases owing to the poverty of the offender, but it should be applied wherever practicable.

The efficiency of probation must, however, depend largely on the manner in which the probation officer performs his duties. It was stated to us that some probation officers do not keep in regular and constant touch with their probationers and do not visit their homes. If this statement is true it is obvious that the probation officer cannot be doing his work properly, and is not complying with the Probation Rules, which require regular visits to the probationer's home. It was also suggested to us that in some cases there is little or no contact between the court and the probation officer, and that the latter is sometimes given little or no opportunity of discussing his cases with the Magistrates. Without close co-operation between the court and probation officers successful probation is difficult. The principles upon which efficient probation rests have been described more than once in circulars issued by the Home Office as follows :—" It may be said that there are three elements which are essential to success in probation work. First, it rests with the Magistrates both to exercise a wise discretion in releasing on probation persons who are likely to profit by the method and also to take a sympathetic interest in supervising the work of the probation officers. Secondly, probation officers must be selected who by their personal qualities and experience are likely to exercise a strong influence over the probationers committed to their care; and thirdly, the probation officers must rally to their assistance all the social and religious agencies of the neighbourhood."*

* Home Office circulars to Magistrates of Feb. 13th, 1925, and April 27th, 1926.

We hope that these principles will be more fully carried into effect under the provisions of the new Act, and especially by the establishment of probation committees of Magistrates whose duty it will be to supervise the work of probation officers.

Probation Officers.—It has been so often pointed out that successful probation work depends on the character, experience and training of the men and women selected for the important post of probation officer that it is unnecessary for us to emphasise a fact which is largely self-evident. Many courts have hitherto been fortunate enough to secure the services of men and women who are well equipped for the task and who have given their lives to the social work of the police court with admirable devotion, often for very small remuneration. Other courts, through lack of interest or failure to appreciate the value of the work, have either failed to appoint probation officers or have been content to utilize the services of those who have not the right training or outlook. One of the main objects of the recent legislation is to remedy these defects and place the probation service, so far as personnel is concerned, on a much better basis. We hope that all the courts will take full advantage of the opportunities now given to them and exercise the greatest care in the selection of their officers. In order to secure the best available material we suggest that all vacancies for probation officers should be advertised, and that candidates should be interviewed personally by the appointing authorities before a selection is made.

The salary is no doubt a very important factor. We are glad to realise that in recent years the financial status of the probation officer has been considerably improved and the new scales of salary provided for by the Probation Rules of June, 1926, ought to do much to place the service on a better basis, especially as a superannuation scheme has now been established. Though we recognise that the new scales of salary are a great step in advance, we do not think they ought to be regarded as final, especially as candidates come forward with greater experience and wider training. While character and personality are the most essential qualities, and it is also necessary for a probation officer to have some practical knowledge of the conditions of life of those among whom he will have to work, the breadth of view afforded by a liberal education is equally desirable if the best results are to be obtained. It must be remembered that a probation officer cannot afford to depend on his own efforts, but he must be able to enlist the active help and sympathy of voluntary societies and individuals who can help him in the work of reclamation. For these purposes a wider education is of great value. We observe that the Probation Rules contemplate the possibility of higher salaries being given to probation officers with approved university qualifications, and it will be interesting to see to what extent candidates with these qualifications can be attracted to the work. Probation work is as important as other

branches of social work which command higher salaries, and we look forward to the time when the probation service will be as well equipped as any other public service.

We hope that as opportunity offers there may be a greater interchange of personnel between the probation service and Home Office schools or other institutions. Experience of institutional life would be as valuable to the probation officer as training in probation work would be to the headmaster or teacher in a residential school. Such an interchange will also tend to promote co-operation between the two systems.

Some witnesses have advocated the employment of a chief probation officer at a higher salary, whose duty it will be to organise the probation work and supervise the other probation officers, and we notice that the Probation Rules admit of such an arrangement when any court desires to adopt it. The general trend of opinion, however, appears to be against any creation of different ranks of probation officers. It must be remembered that the duty of supervision over the probation officer rests with the court, and where a chief probation officer is appointed there may be some risk of destroying the relationship which ought to exist between the court, the probation officer and the probationer. If, therefore, a chief probation officer is appointed by any court care must be taken to see that this relationship is not jeopardised and that the court or probation committee keep in close personal touch with all the probation officers alike.

There has been some controversy as to the desirability of employing agents of voluntary societies as probation officers. We agree with the principle embodied in the Criminal Justice Act, 1925, and the Probation Rules, which does not exclude the appointment of such agents, but leaves the decision with the court. Voluntary effort has been responsible for much of the best social work in this country, and it has played as large a part in probation work as in the reformatory and industrial school and other movements. So much of the pioneer work in connection with probation has been done by voluntary societies that we should be sorry to see these valuable activities hindered in any way. If the help of these societies were refused it is very doubtful whether the personnel thus lost could be immediately replaced. Further, the societies have succeeded in raising considerable funds, which are often available for purposes which probably could not be met out of public funds. The funds of the voluntary societies are especially valuable in small towns and country districts where there may be no poor box or other fund out of which such expenditure can be met. The main risk attaching to the employment of the agents of voluntary societies lies in the imposition of denominational tests which would prevent persons otherwise well qualified from being employed as probation officers. The remedy lies in the hands of the courts, as they are given a free hand by the Act and Rules either to employ their own officers or to appoint the agents of societies.

The risk, therefore, will be avoided if the appointing authorities take care in every case to select the best available candidates, whether they are attached to a society or not.

Duties of Probation Officers.—We are told that some probation officers have so many cases under their supervision and so many other duties that it is impossible for them to perform their work with proper efficiency. Though it has been suggested that no probation officer can adequately supervise more than 50 or 60 cases it is obvious that a numerical standard is unsafe because so much depends on the class of the case, the area to be covered, and the other duties required of the probation officer. We think no general rule can be laid down. The best safeguard against over-work is constant and effective supervision by the probation committee. It is impossible, in our opinion, to draw any hard and fast line between probation work proper and other duties of an analogous character (commonly known as missionary duties) which a court may think it right to impose upon a probation officer. The whole of the officer's duties should be taken into consideration by the probation committee in deciding whether he or she needs additional help.

Some witnesses suggested that probation officers should undertake the after-care of persons released from institutions, and we shall deal with this suggestion later when we consider the organisation of after-care.

It was also proposed that probation officers should be employed instead of police officers in taking children to certified schools and other voluntary institutions. This method has already been adopted experimentally in London, Cardiff, and some other places, and it seems to us an admirable arrangement. The school can obtain from the probation officer first-hand information about the home conditions and past history of the child, while the probation officer gets to know the headmaster and teachers, has an opportunity of keeping in touch with children formerly under his care and is able to give the court particulars about the school and its work. We do not suggest that this arrangement is practicable in every case, but we think the scheme should be extended wherever possible. This work should be taken into consideration in determining the number of probation officers required by the court.

The Act requires that where circumstances permit the court shall appoint a woman officer to supervise an offender who is a woman. It is very undesirable in our opinion that a girl or woman should be placed under the supervision of a male officer, and we recommend that in every case courts should employ women officers for the purpose. Special care should also be taken in the selection of officers who are required to supervise boys and girls. The younger boys can usually be placed with advantage under the care of a woman officer, but the general opinion expressed to us—and we agree with it—was that when

boys have passed school age they should be placed under the control of a man. In London specially qualified women are appointed by the Secretary of State as probation officers for the juvenile courts.

Administration of the Probation Service.—We do not propose any fundamental change in the central administration of the probation service. The Departmental Committee of 1922 considered this question carefully and recommended that the control should not be transferred to a separate Commission, but should continue to be exercised by the Home Office. We agree with this conclusion, especially because of the need for securing the greatest amount of co-operation between the probation service and other forms of treatment. Since that report was issued we understand that the Children's Branch of the Home Office—which is concerned with the administration of the probation service—has been reorganised. The Reformatory and Industrial Schools Department has been abandoned as a separate organisation and the newly constituted Branch consisting of an administrative and an outdoor staff deals with probation work as well as matters affecting the welfare of children and young persons. We have had a good deal of evidence as to the need for much closer central control over the manner in which probation work is carried on. Inspection cannot very well be applied to probation work as it is to institutions, and as we have already pointed out the courts by means of probation committees can best exercise supervision over the daily work of their officers. But it must be remembered that the Magistrates and probation officers are working in isolation and that they have little opportunity of pooling their experience or learning from others who are facing similar problems. There is need for a clearing house of ideas and methods and we believe that the Home Office by means of its experienced staff could do a great deal to help Magistrates and probation officers by affording fuller opportunities than exist at present for consultation and discussion. We have good reason to believe that such help would be welcomed. The responsibilities of the central authority have been increased by the new Act and in order to fulfil its functions and administer the government grant which is now being given for probation purposes it is essential that the Home Office should take a more active part than it has done hitherto in probation work and should satisfy itself as to the manner in which it is being carried on. The existing staff of the Children's Branch is not large enough for this purpose and we recommend that the Branch should be reorganised and strengthened so as to enable it to fulfil these functions in an adequate manner.

(iii) Security by Parents.

A parent or guardian may be required to give security for the good behaviour of a young offender who is under the age of 16 and no conviction is recorded (Children Act, 1908, section

99 (2) and (3)). This method of dealing with offences by children or young persons appears to be seldom used by the juvenile courts, probably because in most cases it is found better to place the offender on probation, but we desire to call the attention of courts to a form of treatment which may be very suitable for some mischievous boys and girls whose parents are well able to look after them but need reminding of their responsibility.

(iv) GUARDIANSHIP (INCLUDING BOARDING-OUT).

Under this heading we propose to deal with methods, such as boarding-out and committal to the care of a relative or fit person, which involve the transfer of the guardianship of a child or young person from his parents to another person, but which do not usually lead to institutional training. We will first describe the methods as they exist :—

Boarding-out.—Children committed to industrial schools, if under the age of eight, may be boarded out by the managers of the school until they reach the age of ten or with the consent of the Secretary of State to a later age. (Children Act, 1908, section 53). Regulations for the boarding out of children under this section have been made by the Home Office, and were revised in June, 1921. Comparatively few children are so boarded out, partly because in recent years it has not been the practice to send very young children to industrial schools, and partly because it is not always easy to find suitable foster parents. The London County Council, however, have adopted the method with considerable success and usually have about 300 children boarded out. The children are sent direct to the selected foster parents, though in order to regularise the position a school is named *pro forma* in the order of committal. By this arrangement a child can be removed from his foster parents and sent to the school named in the order if for any reason this is found necessary, but in practice it rarely happens.

Care of fit person.—Courts are given power by the Children Act, 1908 (sections 27, 58 (7) and 59) to commit to the care of a relative or fit person :—

(i) Any child or young person under 16 where the person having the custody, charge or care of him has been convicted of certain sexual offences or offences involving bodily injury in respect of him, or has been committed for trial for any such offences, or has been bound over to keep the peace towards him.

(ii) Any child who falls within any of the categories of section 58 (1) of the Act or who is beyond the control of his parents, or who is a truant, or who is refractory in a poor law school.

(iii) Any young person under 16 who falls within any of the categories of section 58 (1).

(iv) Any delinquent child under 12 or, if not previously convicted, under 14.

An order of this kind can be made for a period lasting until the child reaches the age of 16 or for any shorter period, and in certain cases a probation order can be made in addition. A power of discharge is given to the Secretary of State, who may also authorise the emigration of the child. The Act provides for rules being made regarding children so dealt with, but we understand that no rules have been made.

The number of young people dealt with by this method by the juvenile courts is very small, averaging under 20 cases a year. The failure to use this power more frequently is probably due to the unwillingness of relatives or friends to undertake responsibility, especially where there is no financial assistance. To meet the latter difficulty the Committee on Reformatory and Industrial Schools of 1913 and recently the Committee on Sexual Offences recommended that a grant should be made from public funds in respect of such cases.

Both the methods which we have described are very valuable. For the young child boarding out is often more suitable than an institution because it approximates more nearly to family life. Similarly the care of a relative or friend may be better for a child than an institution unless the child's character is such as to require special training or supervision. The limited extent to which the important principle of individual care has been adopted seems to us to indicate a need for developing more fully the principle of guardianship to which we have already alluded in connection with the juvenile court. Where a child or young person who appears before the juvenile court has no parents or worthless parents and does not require training in an institution, some procedure is needed whereby guardianship can be transferred to some responsible authority whose duty it will be to find a new home for him and watch over his future welfare. We think the local education authority might well fulfil this function. As is shown later in the part of our report which deals with neglected children, the Poor Law Guardians have power under the Poor Law Act of 1899 to adopt certain classes of Poor Law children—a system which has proved very valuable in practice—and we see no reason why a somewhat similar principle cannot be applied with advantage to young people who are in need of protection, but who have not actually come within the Poor Law. Such a policy would tend to secure greater uniformity in the treatment of both classes of children.

The procedure would be consistent with the recommendation of the Committee on Reformatory and Industrial Schools of 1913, who thought that the duty of boarding out children ought not to be placed with the managers of industrial

schools, but that the children should be committed direct to the care of the local authority, which should be responsible for finding suitable foster parents and generally for supervising the children so boarded out.

Further, the transfer of guardianship to the local authority would get over the financial difficulty which attaches to committals to the care of a fit person. A grant from public funds in these cases might attract unsuitable persons to apply for custody orders in order to obtain the grant, but if guardianship were vested in the local authority it would be possible for that authority to exercise control over any such expenditure.

We therefore recommend that where a child or young person under 17 is brought before a juvenile court, and the court is satisfied that he ought not to be left in the control of his parents but that he does not require institutional care or training, it should be open to the court to transfer the guardianship of the child or young person to the local education authority. The local authority should be given in every case an opportunity of being heard before the order is made and the court should have power to require the parents to contribute towards the cost of maintenance as if the child were being sent to a certified school. The child should remain under the guardianship of the local authority until he reaches the age of 21, or such earlier age, not less than 18, as the court may determine.

The Secretary of State should be given a power of discharge from guardianship. He should make rules governing the procedure of local authorities in these matters and have a power of inspection. The cost of maintenance should be borne, as in the case of Home Office schools, by the local authority subject to a government grant. It may sometimes happen that a child after being placed out in a family is found to require institutional care. To meet such contingencies it would be desirable to authorise the court, on the application of the responsible local authority, to transfer such a child from guardianship to an approved school. Applications of this kind would be exceptional.

We do not propose that the courts should be deprived of the power which they possess at present to commit children and young persons direct to the care of a relative or fit person without the intervention of the local authority. There may be a small number of cases in which a relative or friend is obviously the proper person to take charge of the child and is able and willing to do so without financial assistance. In such circumstances the guardianship of the local authority will not be necessary and there will be no contribution from public funds. Courts already have power to keep in touch with such cases if they wish to do so, as section 60 of the Children Act enables a court to make a probation order in addition to any order for committal to the care of a relative or fit person.

(v) Fines (including damages and costs).

It will be convenient to consider this method in its application first to children and young persons under 16. They, like adults, are liable to be fined for offences or to pay costs and damages up to the amounts prescribed by various statutes, but in their case the law makes two modifications :—

(*a*) The fine, costs or damages may be imposed on the parent or guardian (and must be so imposed if the offender is a child) unless the court is satisfied that the parent or guardian cannot be found or that he has not conduced to the commission of the offence by neglecting to exercise due care of the child or young person. (Children Act, 1908, section 99).

(*b*) When costs are ordered to be paid in addition to a fine the amount of the costs must not exceed that of the fine. (id. section 101).

Fining is a common and appropriate method of dealing with certain offences committed by young people. Nearly a third of the charges heard in juvenile courts are disposed of in this manner every year, though the available figures do not show in how many of these cases the fine is imposed on the parent. It may be assumed that in many cases, certainly as regards children of school age, the money is paid by the parents, even though the order is not made on them. Monetary penalties may seem inappropriate in the case of school children or young persons who are earning small sums, but we do not think that the courts should be deprived of the discretion at present given them by the law.

A court may order a parent or guardian to pay costs or damages without proceeding to the conviction of the child or young person (Children Act, 1908, section 99 (3)), and we think it would be an advantage if there were power to fine the parent or guardian or order him to pay costs or damages as well as to place a child or young person on probation. In this case the punishment would fall on the parent or guardian and not on the child, so that this proposal is not open to the objection to which we have alluded above of combining probation with punishment.

We deal next with persons over the age for the juvenile court. The important place which fining takes as a method in dealing with older offenders is shown by the Criminal Statistics. In 1925 the number of persons of all ages convicted of offences by courts of summary jurisdiction was 520,401, and of these no less than 493,266 or 95 per cent. were fined. We have no separate figures showing how many of these were under 21.

It was pointed out to us that a considerable number of persons are fined for offences which hardly involve any element of moral turpitude, such as contraventions of local byelaws or

highway regulations, and it was suggested that in the case of these so-called " municipal " offences it was unfitting that the offender should have to mix with other classes of offenders in the police court or that a conviction should be recorded against him. We have considered this suggestion, but we do not think it practicable or desirable to make a distinction based on the moral aspect of the offence or to create a new kind of tribunal to hear charges for which a small fine is the appropriate penalty. We recognise, however, that there is some force in the suggestion that a lad who, for example, has ridden his bicycle without lights ought in his own interest to be protected from association with undesirable characters, and we think that as far as practicable this type of case should be kept separate from the more serious offences.

The enforcement of fines raises a more serious problem, because the ultimate means of enforcement is imprisonment. For this reason it will be more convenient to examine this question when we deal generally with imprisonment. These considerations do not, however, arise in regard to children and young persons. In their case instances of default appear to be very rare, and it may be assumed that as a rule the money is paid by the parents. Where there is default the only existing means of enforcement is to send the defaulter to a place of detention. These places, as we point out later, are seldom suitable for this purpose, and while we see no alternative to retaining detention as the ultimate method of enforcement we think the need for it could probably be entirely avoided if the child or young person were placed under supervision until he pays the fine.

(vi) Whipping.

It may be convenient to summarise briefly the existing law which regulates the power of courts to order the corporal punishment of offenders.

(1) Females cannot be whipped.

(2) Boys under 14 can be whipped for any indictable offence except homicide. The punishment, which can be given in addition to or instead of any other punishment, is limited to a maximum of six strokes with a birchrod administered by a constable in the presence of an inspector or other officer of police of higher rank than a constable and also in the presence, if desired, of the parent or guardian (Summary Jurisdiction Act, 1879, section 10, and Children Act, 1908, section 128 (1)).

(3) Boys under 16 can be whipped in the same cases as adults. In addition they are subject to whipping for a large number of offences under the Larceny Act, 1861, the Malicious Injuries to Property Act, 1861, the Offences against the Person Act, 1861, and the Larceny Act, 1916. The court is authorised in all such cases to inflict whipping in addition to imprisonment.

The whipping must be in private and the number of strokes and the instrument with which they are inflicted must be specified by the court.

Boys under 16 can also be whipped for unlawful carnal knowledge of a girl under 13 (Criminal Law Amendment Act, 1885, section 4), subject to the conditions of the Whipping of Offenders Act, 1862.

(4) Males can be whipped under five statutes :—

(*a*) Slaughtering horses without a licence (Knackers Act, 1786), as the court may direct.

(*b*) Incorrigible rogues (Vagrancy Act, 1824), at such time during imprisonment as the court may direct.

(*c*) Treason (Treason Act, 1842) as the court may direct.

(*d*) Aggravated robbery with violence and garrotting (Larceny Act, 1861 : Garrotters Act, 1863; Larceny Act, 1916). The court must specify the instrument and number of strokes, but the latter must not exceed 25 for boys under 16 or 50 for any other male offender.

(*e*) Procuration and living on the earnings of prostitutes (Criminal Law Amendment Act, 1912). Number of strokes and instrument to be specified by the court.

Whipping as a method of dealing with offenders has given rise to much controversy and is the subject of diverse opinions. It will, however, be generally admitted that there is a great difference between the corporal punishment of boys under 16 or 17 and that of lads approaching maturity or of adults. We propose to limit our remarks mainly to the former class. The figures published in the reports of the Children's Branch show that only a comparatively small number of the boys who appear before juvenile courts are ordered to be whipped. In 1925 the number was 452 or 1·86 per cent. of those found guilty, whereas in 1913 the percentage was 6·33. The reason for this marked decrease in the use of whipping in recent years may be due partly to the increasing use of probation, and partly to the belief which was expressed by several Magistrates and other witnesses that for the majority of young offenders whipping is neither effective as a deterrent nor valuable as a means of reformation. It was pointed out to us that some of the boys who came before the courts have had physical chastisement of some kind or other administered to them in their own homes, and on that ground alone the effect of a whipping ordered by a court is less than it otherwise might be.

We deprecate strongly any indiscriminate use of whipping. To the boy who is nervously unstable or mentally unbalanced the whipping may do more harm than good. The mischievous boy, on the other hand, who has often been cuffed at home will make light of the matter and even pose as a hero to his companions. We believe that there are cases in which

whipping is the most salutary method of dealing with the offender, but as so much depends on the character and home circumstances of the boy concerned, whipping should not be ordered by a court without consideration of these factors and especially without some enquiry whether corporal punishment has been applied already, and, if so, with what result. In all cases there should be a medical examination. The law provides that the parent or guardian should have a right to be present when the punishment is administered.

If, as we recommend, whipping is retained, we see no reason why it should be limited to certain offences. Cruelty to animals or wanton acts endangering the lives of others ought not to be excluded; but the character of the individual rather than the nature of the offence must be considered. Nor do we see any adequate grounds for discriminating between boys under 14 and those between 14 and 17. Subject to the safeguards suggested above we think it would be right to give the courts a discretion to order a whipping in respect of any serious offence committed by a boy under 17; but whipping should not be associated with any other form of treatment.

(vii) Detention.

Children and young persons convicted of offences punishable in the case of an adult with penal servitude or imprisonment or liable if adults to be sent to prison in default of paying fines, damages or costs, may be sent to a place of detention for a period of not more than a month (Children Act, 1908, section 106). This was one of the means provided by the Children Act for avoiding the imprisonment of young people and for a time it was used fairly frequently. For instance, 364 children and young persons were ordered detention in 1910. The number rapidly decreased in subsequent years, and now only about 30 are sent every year. There are serious disadvantages in associating children who are undergoing punishment with those awaiting trial or on remand and with the exception of a few large towns the places of detention provided are not suitable for keeping a child under punishment even for a month. We do not think it is possible to take away from courts the power of ordering detention. As we have already stated, it may be necessary in rare cases as the ultimate means of enforcing a fine inflicted on a child or young person, but we can find little value in it for any other purpose, and we think that one of the other methods open to the court should if possible be used.

(viii) Home Office Schools.

The last enquiry about reformatory and industrial schools was made in 1911-13*. This enquiry, which was both

* Report of the Departmental Committee on Reformatory and Industrial Schools, 1913. (Cd. 6838.)

thorough and helpful, marks an important stage in the history of these schools. It fell to the lot of the late Mr. C. E. B. Russell, a member of the Committee, who was appointed Chief Inspector of Reformatory and Industrial Schools in the same year that the report was issued, to carry out the recommendations of the Committee, and thanks largely to his influence and to the active co-operation which he soon gained from the authorities of the schools, the work of re-organisation was successfully begun. The Great War not only put a stop temporarily to this work but added to the difficulties of the schools, because the numbers of boys and girls sent to them were considerably increased, while the staff and financial resources were weakened. After the War, however, reconstruction was completed and practically all the recommendations of the Committee were carried out. A new financial scheme in 1919 secured to each school from public funds, which were provided in equal shares by the State and local authorities, sufficient money to enable it to employ a well-qualified staff and maintain a high standard of efficiency in every department of the school life. The present position of the schools has been fully described in the reports of the Children's Branch of the Home Office and it is therefore unnecessary for us to go into details. From the many visits which members of the Committee have paid to the schools we are able to confirm the testimony of the present Chief Inspector that the schools are now generally well-equipped and are carrying on their difficult work with marked success. On comparing the report of the Committee of 1913 with the schools as they are to-day we recognise that the change of outlook has been fundamental. The needs of the boys and girls are no longer subordinated to those of the institution, but the scheme of education and training is such as to fit them for useful careers when they leave the school. Discipline, as in the case of all good schools, is being maintained by giving a much greater measure of freedom and responsibility to the pupils, and the new privileges are but rarely abused.

There were on 31st December, 1926, 28 reformatory schools (23 for boys and 5 for girls) and 58 industrial schools (38 for boys and 20 for girls). There were in addition 2 day industrial schools, both at Liverpool, 21 special schools for those who require special treatment on the ground of physical or mental defect, and 16 Auxiliary Homes (9 for boys and 7 for girls), where the pupils may live for a time when they leave the schools.

There has been a marked reduction in the number of children and young persons sent to the schools since 1913. In that year the number of committed children in the schools on the 31st December was 18,916. On the 31st December, 1926, it was 6,871. In 1913 the number of children sent to the schools by order of court was 5,744. In 1926 it was 1,791. This reduction is partly accounted for by a general decrease during the same

period in the number of boys and girls brought before juvenile courts, but not entirely, because the reduction in the number sent to schools (69 per cent.) is much larger than the decrease in the number of charges proved (26 per cent.). It is evident that other methods of treatment, such as probation, are being adopted. The inevitable increase in the cost of the schools since the war has been a contributing cause.

Owing to the rapid decline in the number of pupils the number of schools holding the certificate of the Secretary of State was found to be greater than was required, and, for reasons of economy, arrangements were made to close a proportion of them. During the last five years about 40 schools have been closed, including some which owing to unsatisfactory premises and other circumstances were unable to reach an adequate standard of efficiency. Though the decline in numbers has come at a time when the schools are probably better than at any previous time in their history, no regret will be felt if the adoption of different methods has reduced the number of those requiring special training away from their homes. Schools however of this character will still be required, and though the problem may be smaller in numbers the difficulty of the work is likely to increase as greater discrimination is exercised by the courts in the selection of boys and girls for institutional treatment. We are satisfied that there lies before the schools as valuable and important duties as they have had in the past and with this belief in our minds we desire to consider how best their work can be fitted in with our general scheme.

Functions of the Schools.—Under the law as it stands, industrial schools are for "neglected" children of any age under 14 (that is, children who fall within the categories of section 58 (1) of the Children Act, 1908, or who are truants, beyond control of their parents, or refractory in poor law schools) and for "delinquent" children under 12, or under 14 if not previously convicted and not likely to exercise a bad influence. Reformatory schools receive only convicted children, who must be over 12 and under 16 at the time of conviction. This broad distinction, which has been perpetuated in successive statutes, dates from the time when reformatory schools were started as an alternative to prison, in order to save children from the terrible conditions which prevailed in the prisons in the first half of the nineteenth century. Industrial schools developed on separate lines out of the old ragged schools. We are satisfied from the evidence placed before us that the distinction is an unsound one. Many witnesses have pointed out that there is little or no difference in character and needs between the neglected and the delinquent child. It is often a mere accident whether he is brought before the court because he is wandering or beyond control or because he has committed some offence. Neglect leads to delinquency and delinquency is often the direct

outcome of neglect. The experience of those who have the training of both classes of children leads them to believe that the neglected child is often more difficult to train than the bad boy who in a spirit of adventure and dare devilry has committed some more or less serious offence. The schools themselves under the guidance of the Home Office have abandoned the titles "Reformatory" and "Industrial" and apart from legal restrictions the main difference between them lies in the age of the boys and girls receiving treatment. There is a general feeling that this practice should be legally recognised and that the old-standing distinction should be finally abolished. We endorse this opinion emphatically, and we recommend that in any future statute they should be described merely as schools approved by the Secretary of State.

If this recommendation is accepted it will be necessary to consider the ages at which boys and girls can be sent to them, the classes of young people to be included, and the classification of the schools.

Age.—The lowest age of committal should, in our opinion, normally be 10. Children under this age can better be dealt with by one of the other methods described in this report, such as probation or guardianship. It would however be undesirable to make a hard and fast rule which would exclude the possibility of providing for certain children in a "nursery school" such as we describe later. The limit of age for committal should be 17—the age which we have already selected for the limit of the functions of the juvenile courts.

Classes of Children.—The schools should provide for all classes of neglected and delinquent children between these ages whom the courts think to require training in a school. The term "delinquent" means any young person under 17 who is proved to have committed any offence, and the definition of the neglected child is dealt with later in our report.

Classification.—The classification of the schools will need careful revision. Apart from the statutory division into reformatory and industrial schools, the present classification is partly denominational, partly geographical and partly vocational. As the schools had their origin in voluntary effort and still remain largely under voluntary management, the denominational character of the schools has been hitherto preserved and safeguarded by statute. The division is mainly into Roman Catholic and Protestant schools, but there are also three schools for Jewish boys and girls. This arrangement has successfully solved the delicate problem of the religious training of the children—an element which is of the highest importance—and so long as the system of voluntary management is retained we think it would be a mistake to make any change in this respect, even though it complicates the question of classification.

Geographical considerations are also important. Parents who have not lost all interest in their children naturally object to their being sent long distances from their home, and it is important that the schools in suitable cases should keep touch with parents and secure their co-operation in the training of their children. Some courts too take an interest in local schools and make a practice of sending children to them. We understand that the policy of the Home Office has been as far as possible to retain a sufficient number of schools of different types to meet the needs of five broad divisions of the country—North-East, North-West, Midlands, South-East and South-West.* We think that attention should continue to be given to the needs of the towns from which children are mainly sent to the schools, in order to avoid as far as possible the necessity of sending children to distant schools, unless the circumstances of any particular child render that course desirable.

Classification according to the character of the training given has not hitherto been developed to any extent, though a few of the schools concentrate on sea training and the schools in the country have farms. There was a tendency at one time for the schools to have too many separate departments of training, with the result that efficiency was secured in none and too often obsolete forms of training were maintained. There has been a great improvement in recent years. We think that this reform should be pressed still further and that each school should be required to concentrate on one or two forms of training only.

With the abolition of the legal distinction between reformatory and industrial schools a further classification will be required, which will naturally be according to age. Classification according to good or bad character is generally speaking to be deprecated. A school which is well conducted on right principles can absorb and transmute bad characters with wonderful success, but if none but the worst are sent it soon loses its power of creating the right standard of public opinion. It is not infrequently suggested that neglected children ought to be separated from delinquent children. It follows from what we have said previously that this principle is unsound. Whether more than two age groups will be required is a question which may, we think, be left to the Home Office to determine, having regard to all the factors that have to be taken into consideration.

Case Histories.—When boys and girls are sent to the schools the information which has been furnished to the court as to their antecedents or home surroundings is not regularly given to the school authorities, though it would obviously be of great value as a guide to training. It is usually left to the headmaster to collect this information, though in some cases the probation officer supplies it. We recommend that in every case the schools should be furnished with full case histories.

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* *See* Register of Probation Officers and Directory of Home Office Schools (1926). Appendix.

Size of Schools.—One of the advantages following from the diminution in the number of children sent to Home Office schools has been the reduction in the average population in each school. At one time schools containing several hundred children were common, and as only two or three were built on the cottage system it was impossible for the staff to obtain that individual knowledge and exercise that personal influence which are necessary for character training. To-day few schools are certified for more than 100 or 150 pupils, and the actual number in many cases is less than 100. We think that schools of this size are more likely to produce satisfactory results than the old barrack-like institution. An experiment of a rather different character has also been made. One school presided over by a woman, who is a qualified teacher, is certified for ten young boys and girls, who must be under eight on admission. The children live in a private house under conditions similar to normal family life and attend the ordinary elementary school. Some difficulty may arise as the boys get older and need a man's influence, but this can readily be met by transfer to a larger school for boys. It appears to us that such a method is very suitable for certain classes of children and if suitable women can be found to undertake the responsibility of such a family we think the experiment might very well be extended.

Choice of School.—Hitherto the duty of selecting the school to which a boy or girl is sent has been entrusted to the court, though in the case of an industrial school the local education authority has the right of being heard (Children Act, section 74 (6)), and a good many courts rely in these cases on the recommendation of the local education authority without attempting to exercise a discretion of their own. We have considered whether it would be desirable to transfer the duty of selection to the Home Office, which naturally has much greater opportunities than the court of knowing the characteristics of the different schools. We have come to the conclusion, however, that the Home Office would find it impossible to fulfil this function satisfactorily without seeing the child or at any rate receiving reports as to its character and circumstances, and this would not only involve delay but would impose a heavy task upon the Home Office. It must also be remembered that the court not only sees the child but also the parent, and in many cases it is very desirable that the parent's wishes should be consulted. Further, by our proposals in regard to observation on remand we hope that much fuller information will be available to the court than hitherto, and it will be able to form a better opinion as to the character of the training required. It should be the duty of the Home Office to furnish the courts with the fullest information as to the classification of the schools and the form of training given, and with this information in its possession and with the assistance of the local authority it ought to be possible for the court to arrive at a satisfactory selection. The Home Office

can always be consulted, as at present, whenever any doubt arises. If after a child has been sent to a school the managers or the Home Office think that he would be better provided for in another school he can be transferred by administrative action. We recommend therefore that the choice of school should be left to the decision of the court and that the local authority responsible should be entitled to make any recommendation it wishes.

Period of detention.—At present a child may be sent to an industrial school for such period as the court thinks proper but not beyond the age of 16. The usual practice is to send "until 16". The period of committal to a reformatory school must be for not less than three years and not more than five years nor beyond the age of 19. The managers have power to release on licence after eighteen months' detention, or earlier with the consent of the local education committee when the child has been sent to an industrial school at the instance of that authority, or in other cases with the consent of the Secretary of State. (Children Act, 1908, sections 65 and 67.)

The average period of detention in the schools has decreased considerably in recent years, partly because children are sent at an older age and partly because, with the strong encouragement given by the Home Office, managers are now more willing to use their power of licensing. It is recognised that it is better for a boy or girl to leave an industrial school at 15 than at 16, and boys and girls in reformatory schools are commonly released at 18. The difficulty of finding employment in recent years has often prevented the early licensing of the older lads, and in the case of the younger boys the wages offered at 14 or 15 are not sufficient to support them unless they can live at home. The theory of the value of very long institutional training has lost much of its support. We should like to see this recognised, and we think that the maximum period of detention should not exceed three years, except that children of school age should be kept either for three years or until school age is passed, whichever period is longer. It would be a mistake as a general rule to interrupt the ordinary course of elementary education. The maximum age of detention should remain at 19 as at present.

The minimum period of detention requires careful consideration. There appears to be a reluctance on the part of some courts to send young people away from their homes for long periods and a consequential tendency to release on probation some of them who really require institutional training. Is it desirable to meet the situation by allowing courts to send to Home Office schools and other institutions for short periods varying from three to six months?

This question cannot be answered without considering what is the object of the detention. If training is the object,

it would appear at once that the ideas of training and short detention are really incompatible. The persons who have the greatest experience of the care of delinquent young people, whether in Home Office schools, Borstal institutions or other Homes, seem to be unanimous in their belief that a few months is usually valueless for the purpose of training. It takes some time for the lad or girl to settle down, and whether education in the schoolroom or in the workshop is in question time is required for any appreciable results. Even more marked is the need for time when the vital question of moulding character is concerned. There are of course exceptional cases in which young people can safely be placed out in life after six months, but it would be impossible for the court to pick out such cases. The actual period of detention required for satisfactory training must naturally vary according to the circumstances and character of the individual, and it is difficult to devise any other method than to leave the decision, within specified limits and subject to control by the central authority to the managers of the institution.

It may, however, be suggested that in some cases a short period of detention would serve an effective purpose in breaking up bad companionships which may have contributed towards the delinquency, in teaching the young offender to concentrate his energies, and in finding him some useful employment at the end. So far as children of school age are concerned, we are satisfied that it would be wrong to take a child away from his home and elementary school and send him to a residential school for a period which does not cover the remainder of his elementary school life. The unsatisfactory results of the old truant school system confirm us in this opinion. Whether short periods of detention would serve these purposes effectively in the case of boys and girls between (say) 14 and 17 is a question which cannot be answered with any certainty, as there is very little experience on which to base an opinion. An experiment on a small scale has been made at an industrial school in London, the managers of which agreed to receive boys sent to them by the courts for a period of six months, but so far too few cases have been dealt with to justify any definite conclusions. Further development of this experiment may throw more light on the question. It is clear that if short detention were to be made part of the system of dealing with young offenders it would be necessary to have separate schools, as it would not be desirable to mix " short term " and " long term " cases in the same school. Such a mixture would inevitably create unrest and a feeling of injustice in the minds of those who have to stay a long time—a feeling which does not arise when the conditions of entry are the same, but early licensing depends on merit and progress.

The establishment of short-term schools without more definite evidence as to the need for them and as to their success

would in our opinion be open to grave risk. Magistrates would have an unfair pressure brought upon them to choose the short-term school in every case, and there would be a direct incentive to local authorities to recommend a short-term school in the interests of economy. The result, therefore, might in the end be detrimental to the public interest, which is to secure the best possible training for the individual concerned. Some of the difficulties might be removed by giving courts power to send in the first instance for a period of six months, and at the expiry of that period, if the report of progress was unsatisfactory, to give a longer period in another school. But this would involve the reappearance of the young offender before the court and would tend to create a sense of injustice, as being a second punishment for the same offence.

It appears to us after full consideration of this difficult question that it would be best that the court should in every case commit to a school for a period of three years. It should be left to the school authorities and the Home Office to pick out any children so committed who after observation are not found to need long training but can safely be released on licence at an early stage. With this object in view the Home Office should arrange for the systematic investigation of all cases after a few months stay in the school. We would also point out that where a court does not think training is really required, but wishes to remove a young offender from unsatisfactory surroundings, residence in a hostel under the supervision of a probation officer appears to offer a satisfactory means of attaining the object. This system would probably meet in some measure the demand for shorter periods of detention.

Transfer.—The Secretary of State has power at present to transfer from one reformatory school to another and from one industrial school to another. Offenders under 14 can be transferred from a reformatory school to an industrial school, and a child over 12 can be transferred from an industrial school to a reformatory school if he is exercising an evil influence over other children. The right of transfer, which was at one time rarely exercised, has been used much more frequently in recent years, but we think the practice might be extended with advantage. When a child appears to be making little or no progress in a particular school, a new school may produce the desired effect. The right which managers at present have of refusing the admission of a particular child, though now rarely insisted on, has tended to hamper the free use of the power of transfer, and we think the right should disappear. The certificate of a school should carry with it the obligation, subject to questions of religious persuasion, to accept any child sent to it by a court or by Order of the Secretary of State so long as there is a vacancy. With the proposed change in the classification of the schools the free use of transfer will become all the more necessary.

Supervision and recall.—Children sent to industrial schools remain under the supervision of the managers until 18 (except in truancy cases, where there is no supervision after the age of detention has expired). In reformatory cases supervision lasts until the age of 19. Boys or girls can be recalled to the school for a period of three months (Children Act, 1908, section 68). The main defects disclosed by experience in the present law are the absence of supervision in truancy cases and the need for some power to help the older lads who get into difficulties after the age of 19. We think that the needs would be fully met if the managers were given power of supervision in all cases up to the age of 18, but where the period of detention expires after the age of 15 there should be supervision for three years thereafter or until the age of 21, whichever is shorter. The power to recall should be retained up to the age of 19 and no longer. When a former pupil has passed this age there should be power to guide and assist him if necessary financially, but not to recall. The period of recall should be for three months as at present, but the Secretary of State should have power on application to approve a further period of three months. We propose to deal with after-care in a separate part of the report.

Control and management.—We find no ground for recommending any fundamental change in the system by which the schools are provided and maintained. At present the majority of the schools are still under voluntary management, though a few are owned and managed by local authorities. There are excellent schools of both classes, and defects are not found more frequently in one class than the other. The character of the school depends to a large extent on the keenness and outlook of the managers. When a good body of voluntary managers can be found who are willing to give time and energy to the work, there is a great deal to be said for the voluntary principle, and so long as these conditions are satisfied we should be sorry to see a departure from the admirable tradition of the schools. Voluntary funds, however, have largely disappeared, and when nearly all the funds came to be supplied from public sources it was right and inevitable that the Home Office should exercise a much greater control over the policy and conduct of the schools. We notice that in the model Rules issued in 1923* the Secretary of State reserves the right to appoint managers to the committee of any school not exceeding a quarter of the total number of the managers, and that the appointment of superintendent (now headmaster) is subject to his approval. We are glad also to observe that the Rules require the inclusion of women among the managers, as their knowledge and experience is likely to be of great value both in a boys' school and in a girls' school. It has sometimes proved difficult in the past to persuade managers to accept and carry out necessary changes, but if the

* *See* Second Report of Children's Branch, 1924, Appendix II.

managers decline to do what is reasonably required the Secretary of State can withdraw the certificate of the school, and this seems to be an adequate safeguard of the public interest. On the other hand, the majority of the managers have proved willing to act on the advice given to them, and the relation between the Home Office and the managers generally is one of close sympathy and co-operation.

Even more depends on the personality of the headmaster and staff of the school than on the managers. There has been a marked improvement in this direction in recent years, owing partly to the payment of better salaries. The emoluments are now such as ought to attract candidates of high qualifications, and as vacancies occur we hope that men and women of wide culture and broad outlook will be attracted to social work of such importance. Under the model Rules mentioned above any such appointment must be approved by the Secretary of State, but it is obvious that such a requirement though it may prevent the appointment of an incompetent man, does not necessarily secure the best selection from among the available candidates. As these schools are now financed almost entirely by public money it is right that the public interest should be safeguarded. We recommend that in future when a vacancy arises for a headmaster the post should be advertised and the applications considered by a committee of selection composed of representatives of the managers of the particular school, local authorities and the Home Office.

(ix) Imprisonment and its Alternatives.

The Objections to Imprisonment.—So far, except in our remarks on the probation system, we have been considering methods appropriate for young offenders under 17. Imprisonment fortunately is not one of them because the Children Act, 1908, brought the evils of imprisonment for these young people largely to an end. After the date of that Act no child under 14 could be sent to prison, and young persons between 14 and 16 could only be sent on the court giving a certificate that such a course was rendered necessary owing to the unruliness or depravity of the young person. In 1907 no less than 572 persons under 16 were received into prison on conviction. In 1925 the number was only 8. We recommend that the age of prohibition should be raised from 16 to 17, and that the exceptional cases for which it may be necessary to provide imprisonment should be sent as at present under a certificate given by the court.

We now have to consider the more difficult problem of the treatment of offenders between 17 and 21, and we have placed imprisonment before Borstal training because our conclusions on the latter form of treatment must largely depend on the policy to be adopted in regard to imprisonment and the possible alternatives.

It will be useful first to examine the figures, and it is satisfactory to learn that there has been a large decrease in recent years in the amount of imprisonment, mainly owing to the increased use of probation and to the new methods introduced by the Criminal Justice Administration Act, 1914, for the enforcement of fines. The reports of the Prison Commissioners shew that the average number of young persons between 16 and 21 received into prison on conviction during the five years ending 1914-15 was 7,728 (6,835 lads and 893 girls). In 1925-26 the number had fallen to 2,263 (2,064 lads and 199 girls). The following table shews the length of sentence :—

	Lads.	*Girls.*
No term specified	9	3
7 days or less	238	19
1 month and over 7 days	892	107
3 months and over 1 month ...	627	49
6 months and over 3 months ...	223	17
12 months and over 6 months ...	53	4
Over 12 months	22*	—
	2,064	199

Is it desirable that over 2,000 lads and girls between 17 and 21 should be sent to prison every year, and if not, how can it be avoided? These are the questions we have to answer.

We have been much impressed by the unanimity with which those best qualified to form an opinion, prison Governors, Chaplains, Medical Officers, and voluntary workers at the prisons, condemn the policy of sending lads and girls of this age to prison. What are the reasons which underlie these strong expressions of opinion? Is it not going too far to say that the ordinary treatment appointed by the law for responsible offenders should not be applied to persons between 17 and 21? Are not these offenders, who may be 19 or 20, really young men and women fully developed physically, of mentality adequate for the understanding of a citizen's duties, and an experience, too, of the ordinary problems of life which is usually well advanced, and has sometimes reached as far as marriage and parenthood? Is it not mere sentimentality to say that the law should forbid their treatment as men and women? We recognise that it is for us to show reasons, and not to state our principle as though its acceptance were a foregone conclusion.

The chief reason why the ordinary prison is unsuitable for these lads and girls is because they are plastic and impressionable. They are at a stage when development is incomplete and is proceeding rapidly on the emotional side. Temperamental instability is marked. Hopes and fears, affection and

* Including seven sentenced to penal servitude.

anger are quickly roused by the scenes and incidents of daily experience and will result in either social or anti-social impulses. It is the period of temperamental even more than of intellectual development, and it is all important that the objects presented should be such as to direct that development on healthy social lines. It may be that experiences at this period of life have a more permanent effect on conduct than during the earlier years when intellectual progress predominates.

It is at this stage above all that the lad or girl should be saved from the presentation of the whole picture of prison life and its dreary procession of failures; and of the building that so soon becomes associated with their presence. Such sights produce their inevitable contamination. Contamination is a subtle thing; it does not consist only in the communication of coarse expressions or undesirable knowledge. So far as it consists in those, it cannot be escaped; the daily life of the crowded street, or even of the country village, provides it, and no mere exclusion from prison will serve. But these things alone do not contaminate, if the outlook is healthy and the emotional life is sound. What matters so profoundly is the communication of a wrong outlook on life, cynical, depraved, selfish or all three. That is the real contamination which changes character definitely for the worse and this perverted attitude towards life and fellow human beings is likely to be absorbed by the impressionable lad or girl from the daily sights of the ordinary prison, even without conversation with adult prisoners, though for that also there are sometimes opportunities.

In the case of girls the presence in prison of certain types of hardened and depraved women enhances the danger of contamination.

Prison may pervert qualities admirable in themselves. A notorious criminal excites a kind of hero worship in the lads who see him in the same prison. They quickly discover who he is and feel a certain elation at finding themselves ranked, as it were, with such a celebrity in crime.

Now with the adventurous lad at the impressionable stage there is seldom a middle course; he will become a social or an anti-social being; and in a local prison the adverse influences have too great an advantage, despite the best efforts of the prison officials and voluntary helpers.

To these we consider great praise is due. The Governor, his officers, and his voluntary helpers, all take a real interest in the lads, and strive hard for their welfare. Physical training, work and school are energetically pursued. Officers will often give up their own time to the lads; strong and sound leadership is not lacking. But imprisonment cannot be made an effective method of reformation owing to the conditions in which it operates.

Imprisonment would still be ineffective even if there were no adults in the prison. There is neither time nor space within the limits of prison walls and short sentences for the training of active adolescents.

There is also the risk of weakening the deterrent effect of imprisonment. The young offender, once imprisoned, is apt to lose the dread which he once felt. Familiarity has dispelled the terrors of the unknown and he is now an initiate. On the social side the disgrace of a conviction and sentence has been incurred, and a second conviction will bring nothing new. The deterrent effect has largely been lost and the way laid open for a criminal career.

There is great force in these objections which we believe are founded upon valid grounds, and both in the public interest and for the welfare of the young offender concerned it appears to us to be the duty of the legislature and of the courts to see that so far at any rate as persons under 21 are concerned imprisonment is abandoned as far as practicable, and is only used when no other means can suitably be applied.

In order to mark the exceptional nature of such a committal, we recommend that any court which passes a sentence of imprisonment upon a person between the ages of 17 and 21 should be required to give a certificate to the effect that it is satisfied that the offender cannot properly be dealt with except by committal to prison.

We hope that before long some alternative methods may be devised which will avoid altogether the use of prisons for persons under 21. We discuss in the remainder of this section how in the meantime the number so committed can be reduced as much as possible.

The Alternatives to Imprisonment in default of payment of Fines.—Imprisonment is the ultimate means of enforcing the payment of fines. Fining is the commonest method of disposing of offences, as we have shown in the section dealing with fines. It is, therefore, satisfactory that there has been so considerable a reduction in the number sent to prison since the Criminal Justice Administration Act, 1914, made it obligatory, if the circumstances permit, to give time for the payment of fines before committal. In the year 1909-10 the number of persons of all ages sent to prison in default of paying fines was 90,753. By the year 1925-26, this number had fallen to 14,561, less than one sixth of the number 16 years before. We do not know how many of the 90,753 committed in default of paying fines in 1909-10 were young offenders aged 16 to 21, but in 1925-26 only about 530* young offenders (465 lads and 65 girls) were so committed.

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* This figure refers only to those committed for one month or less, but few would be committed for longer than one month.

Their sentences were as follows :—

	Lads.	*Girls.*
1 month and over 3 weeks	112	27
3 weeks and over 2 weeks	46	8
2 weeks and over 1 week	153	15
1 week or less	154	15
	465	65

In 248 cases (205 lads and 43 girls) no time had been allowed for payment. The number who paid their fine after reception in prison was 177 (162 lads and 15 girls).

These figures are small. It will be seen that they only amount to a daily average of about 20 lads and 3 girls imprisoned for non-payment of fines.

We believe that a still smaller number of persons under 21 would be sent to prison for this reason if greater use were made by courts of the machinery provided by the Criminal Justice Administration Act, 1914. Section 1 (3) of that Act provides as follows :—

> " Where a person so allowed time for payment as aforesaid appears to the court to be not less than sixteen nor more than twenty-one years of age, the court may, if it thinks fit, and subject to any rules made under this Act, order that he be placed under the supervision of such person as may be appointed by the court until the sum adjudged to be paid is paid, and in such case before issuing a warrant committing the offender to prison in respect of non-payment of the sum a court of summary jurisdiction shall consider any report as to the conduct and means of the offender, which may be made by the person under whose supervision the offender has been placed."

Some courts make regular use of this procedure, notably Liverpool, which utilizes the services of its probation officers, with the result that the number of persons sent to prison from that court has greatly diminished. It may not be possible to require time for payment to be given in every case, because some of the offenders may be vagrants or other persons who have no fixed abode, but exceptions to the rule ought to be rare. The Act specifies that the fixed abode should be within the jurisdiction of the court, but we think that the omission of these words should be considered as regards persons under 21. Where time can be given, supervision is a valuable safeguard against committal to prison, because the time allowed may not have been long enough to enable the offender to find the money and in the pressure of business courts may, in the absence of a report, issue a warrant without sufficient consideration of the facts of the case.

We recommend therefore that except in rare cases when time cannot be allowed without risk of defeating the ends

of justice, there should be no committal to prison unless supervision has been tried and has failed. The sequence of events would then be as follows: if the fine is paid on the spot the matter ends; if time is allowed and the fine is paid at the proper time, again the matter ends; if, however, time is allowed and the fine is not paid at the proper time, the offender should then in every case be placed under supervision and a further extension of time granted. The consequence of continued refusal to pay would at this stage be clearly explained to the offender by the court. If the fine were not then paid the superviser should bring the offender before the court again, and not merely make a report in his absence. The report would be to the effect either that the offender had tried to pay the fine, but had not been able to do so, or that he had paid part but had not been able to pay the whole, in either of which cases the court would probably think fit to allow more time; or, on the other hand, that the offender had made no real effort to pay, had not tried to get work, or having earned money had not set aside any part of it to pay the fine.

The probation officers seem to us well qualified by their training and experience to undertake the work of supervision, but we do not suggest that they should invariably be employed. Other suitable persons can no doubt be found, who might be able and willing to co-operate with the court by exercising supervision.

There will, however, remain a minority who either cannot pay or refuse to do so. Various suggestions have been made to us in order to avoid the need for imprisonment in such cases. Power to attach wages might sometimes be effective in producing the money, but it would probably do more harm than good by disturbing the relations between the offender and his employer. Some form of enforced work or physical drill under police supervision has also been proposed, but any system of this kind would not be applicable to all cases, and it would be difficult and costly to organize.

The use of Court House and police cells instead of imprisonment is another possibility. The Criminal Justice Administration Act, 1914, sections 12 and 13, permits detention in the precincts of the court or at any police station for one day or detention in police cells for a period not exceeding four days. We discuss this question in the next section, but we may say here that we have not been able to find in the use of Court House or police cells a complete solution of our present difficulty It may, and should, enable imprisonment to be avoided in a certain number of cases, but much depends on the nature of the accommodation.

Borstal, on the other hand, is not available, because the young offenders in question are *ex hypothesi* those who do not require institutional training. Had they required it, the court would have decided upon that course at an earlier stage.

As there must be some ultimate sanction for enforcing the payment of fines, we have reluctantly come to the conclusion that, at the present time, there is in the last resort no satisfactory alternative to imprisonment. We confidently expect, however, that if the measures outlined above are taken in all possible cases, the number of persons under 21 who find their way to prison for failing to pay fines will be very small.

The Alternatives to Imprisonment on Direct Committal.—Where a young offender is sent to prison without the option of a fine different considerations arise because the offence is *primâ facie* more serious, though there may be wide differences both in the gravity of the offence and in the character of the offender. There are two principal methods which the court can choose instead of imprisonment—supervision in the open or institutional training.

As regards the former alternative, we are convinced that a considerable number of offenders under 21 who are now sent to prison could be dealt with more satisfactorily by the use of probation. This view has been frequently expressed by Governors and other prison officials from their personal knowledge of the character and behaviour of young prisoners. Confirmation of our opinion that probation is not tried often enough is also afforded by an examination of the extent to which it is used by different courts. As we have already stated in our remarks on the probation system, there is a marked diversity of practice, partly no doubt due to the fact that some courts have not fully appreciated the value of the system, and have not in the past obtained the services of qualified probation officers. We hope that the new organization of the probation system will remedy these defects and lead to its greater use, especially when it is coupled with improved methods of observing offenders on remand and of obtaining fuller information as to their antecedents.

Under supervision in the open we include residence as a condition of a probation order in properly inspected hostels, from which the lad or girl goes out to ordinary work during the day. We have already drawn attention to the need for the extension of this practice. It is a method which is specially suitable for those offenders who have no homes or undesirable home conditions. The extent to which the need for imprisonment can be avoided by this procedure is clearly indicated by the experience of Liverpool in connection with its hostel for lads, which was started in 1921. In 1920, out of 153 lads between the ages of 16 and 21 143 were sentenced to imprisonment for varying terms, five were sentenced to a day's imprisonment and five were placed on probation with a residence condition. In 1925 only seven were sentenced to imprisonment, and 73 were placed on probation with a residence condition. Sixty-six others were sentenced to a day's imprisonment, the object of which was merely to enable the court to secure Borstal training for the lads

if they again came before the court for an offence for which Borstal treatment could be ordered, and they were warned to that effect. The great advantage of the hostel is that it takes the young offender away from undesirable surroundings, finds work for him and keeps some oversight over his leisure hours. We believe that if all courts were to use the probation system with judgment and courage a large number of offenders would never go to prison for short sentences and they would never appear again before the courts. There would be failures, but any risk of failure would be more than compensated for by the undoubted successes. This truth has been established by courts which have made a proper trial of the possibilities of probation.

At the other end of the scale is institutional training, which for lads and girls over 17 is given in a Borstal institution. We deal fully in a later section of our report with this form of training, but it is necessary to consider here some questions of policy. There are many cases where probation, either with or without a condition of residence, cannot be applied with any chance of success owing to the circumstances or character of the offender or where the seriousness of the crime would render the use of probation undesirable in the public interest. The detention of the offender has become necessary. Would it not be better in the large majority of cases to make the period of separation an opportunity for training and improvement so that at the end of the time—even though it be longer—the offender will have every chance of emerging as a useful member of society and determined to keep from crime in future? There appears to us only one answer to this question.

When the Borstal institution was established in 1908 in order to apply reformative methods to lads and girls who were too old to be sent to reformatory schools it was an experiment, and, like other experiments, it has outgrown its original bounds. The Act of 1908 limited its application to a person between 16 and 21 convicted of certain offences whom " by reason of his criminal habits or tendencies or association with persons of bad character " it was expedient to detain " under such instruction and discipline as appears most conducive to his reformation and the repression of crime " ; and such detention was called " detention under penal discipline in a Borstal institution." Influenced perhaps by these words and by Home Office circulars, some courts have been led to think that only very bad offenders should be sent to Borstal. Others again seem to have come to the opposite conclusion, that some offenders are too bad for Borstal and ought to be sent to prison as the greater deterrent. In many cases the possibility of ordering Borstal detention does not appear to be considered.

There is need of a larger policy based on the principle that Borstal is available for young offenders who cannot properly be released on probation and who are shown to be in need of a scheme of training designed to teach the value of regular work and to change their ideas of their duties and responsibilities. In

the next section we propose a revision of the definition in the Act so as to give effect to this view.

We consider, then, that a fuller use of the probation system for young offenders who do not stand in need of institutional training, coupled with the committal to Borstal of a larger number of those who do, will provide the right treatment for many, probably most, of the 1,700 or so of young offenders who are now sent annually to prison on direct committal without the option of a fine.

The greater use of probation and Borstal will not, however, provide a complete solution of the problem. As a further alternative several witnesses advocated some form of short detention in an establishment other than a prison for a maximum period of six months. They considered that such detention would act as a deterrent and might by the adoption of suitable methods be made to some extent reformative. According to this proposal such establishments could either be regarded as short-term Borstal institutions or as separate prisons for persons under 21. After the fullest consideration of this proposal we have come to the conclusion that by whatever names they are called the creation of such establishments would be undesirable. To call them short-time Borstal institutions would be a misnomer, because the limitation of detention to six months would make training in the Borstal sense impossible, and the objections are similar to those which we mentioned in connection with the proposal to create short-term reformatory schools. To establish separate prisons for lads would get over the difficulties of association with older prisoners, but would fail to provide the treatment required. They would be expensive and the money necessary for providing them would be far better spent on new Borstal institutions on modern lines. In either case commitment to such places would be likely to prove a fatally easy solution of the problem presented by a lad who is reported to be "in need of discipline," but whom the court is unwilling to send away for a longer period, and a strong temptation would be offered to courts to avail themselves of such places, instead of making use of probation or Borstal training.

There are special features in the case of girls to which we desire to draw attention. Girls are received into prison who have entered upon a life of prostitution and have been convicted of street offences. We cannot enter fully into the various reasons which may induce girls to adopt this mode of life, but there is ample evidence to show that many drift into it without any appreciation of its eventual consequences. The results are so disastrous that the right handling of these cases at the initial stage is a matter of vital importance.

A word may be said as to preventive measures. There are many voluntary agencies at work in the large cities who have made it their duty to assist such girls by warning and advice and to help them to regain the footing once lost. Such work is of the greatest value and deserves the fullest encouragement

by the police and by the courts. We are glad to notice that in the report of the Departmental Committee on the Employment of Policewomen (1924, Cmd. 2224) several Chief Constables referred to the valuable preventive work which policewomen are doing. We believe that much more could be done in this direction.

Once a girl is brought before a court on a charge of solicitation, a difficult problem arises which calls for a wise exercise of its powers. Too often such cases are met by fines and imprisonment. These act as no deterrent; they bring girls under contaminating influences in prison, induce them to borrow to pay their fines and generally and progressively entangle them further. If time is given to pay the fine the girl resorts to her ordinary mode of life to pay it. If, on the other hand, no time is given it is not an uncommon practice for the fine to be paid either at the police court or at the prison by some person who is either living on the earnings of prostitution or whose motives are not inspired by the welfare of the girl. Such incidents seem to be less frequent than they were a few years ago, but in spite of the precautions taken to prevent exploitation of this kind they still occur.

We are satisfied that fines and imprisonment for this type of offence when committed by a girl under 21 are wrong methods. In some cases girls who are beginning a life of prostitution are weak-minded, and when there is any *primâ facie* indication of mental defect a remand for observation may lead to action being taken under the Mental Deficiency Act. But in the majority of cases there is no question of mental defect and other action has to be considered. Probation is the first and obvious course, and for a girl who has not yet become hardened it is invaluable, especially if a woman probation officer of special training and experience is available. Often a condition can usefully be added to the probation order that the girl shall live in an approved hostel. The great advantage of this course is that if the hostel is conducted on progressive lines, new interests and new companionships will help to weaken the attraction of the old life, and the girl's self-respect and power to resist temptation will be strengthened. We are not, however, so sanguine as to suggest that these cases, which are often the despair of social workers, will always yield to the good influences of the probation officer at the first or second trial even when there is a condition of residence in a hostel. Though we believe that many by this means will be persuaded to give up the life, there will remain some girls who, neglecting the opportunities offered to them, will reappear at regular intervals before the court. The problem is an old one, and its difficulties are well known. We understand that a Committee is about to be appointed to make a special enquiry into the whole question of the law of solicitation, and for this reason we consider that it would be out of place for us to make any further recommendation.

(x) Detention at the Court or in Police Cells.

Two new methods of dealing with offenders were provided by the Criminal Justice Administration Act, 1914, in order to avoid the need for very short terms of imprisonment. Apart from the general objections to imprisonment which we have mentioned in the preceding section, there is also the question of economy. The cost of sending a person to prison for a few days—including expenses of travelling and police escort—is considerable.

Detention at the Court or Police Station.—Section 12 of the Act gives a court of summary jurisdiction power, in lieu of passing a sentence of imprisonment, to order an offender to be detained within the precincts of the court or at any police station till such hour not later than eight in the evening on the day on which he is convicted as the court may direct. This provision seems to us a useful means of disposing of some of the more trivial offences; it is irksome to the offender without involving any undue interruption of his work. The attention of the courts should again be drawn to this power.

Detention in Police Cells, etc.—Section 13 of the same Act provides that no person shall be sentenced to imprisonment by a court of summary jurisdiction for less than five days, but that such a court may, in lieu of imprisonment, order detention for a period not exceeding four days in a suitable place. The Secretary of State, on the application of the police authority, may certify any police cells, bridewells, or other similar places provided by the authority to be suitable places for such detention and may make regulations for the inspection of places so provided, the treatment of persons detained therein and generally for carrying the section of the Act into effect.

We have made some enquiry as to the extent to which this form of detention is used. The Criminal Statistics show that in 1925 the number of persons of all ages ordered to be detained under both Sections 12 and 13 amounted to 1,039. In 1924 a special return was obtained by the Home Office from the police, which showed that in the year 1923 the number of persons who were ordered detention in police cells was 321 (264 males and 57 females). This return did not give any information as to the age of the offenders. We accordingly consulted a number of the police authorities, and it would appear from their replies that detention in police cells is hardly ever used for persons under 21, except at Liverpool. The latter city is in rather an exceptional position, because in 1842 authority was obtained by the Liverpool Improvement Act to confine persons convicted of drunkenness in the bridewell—an authority which was replaced by the wider power contained in the Act of 1914. In 1926 the number of persons under 21 detained in the bridewell under Section 13 was 107 (86 males and 21 females), and the majority were sent there in default of paying a fine.

The use of the power of detention in police cells depends on the certification of suitable places, and the curious variation

in the extent to which the method is used in different parts of the country is probably explained by the fact that only some of the police authorities have applied to the Secretary of State. There is no reason to doubt that there are other police authorities which have cells no less suitable which could be certified if application were made. The following is a list of the places (all of which are police stations) certified at the present time :—

Counties	81	police stations.
Cities and Boroughs	34	,, ,,
Total	115	

COUNTIES.

Police Stations.

Cardigan	2
Carmarthen	1
Cornwall	2
Durham	7
Gloucester	19
Hunts	5
Merioneth	2
Montgomery	3
Nottingham	5
Radnor	1
Sussex West	4
Wight, Isle of	1
Wilts	4
Worcester	6
Yorks, W.R.	19
	81

Cities and Boroughs.

Bath.	Macclesfield.
Birkenhead.	Northampton.
Blackburn.	Plymouth.
Blackpool.	Preston.
Bootle.	Reigate.
Bristol.	Ryde.
Cardiff.	St. Helens
Congleton.	Shrewsbury.
Grimsby.	Southampton.
Great Yarmouth.	South Shields.
Halifax.	Sunderland.
Hastings.	Wallasey.
Hereford.	Warrington
Huddersfield	Winchester.
Hyde.	Windsor.
Lancaster.	Wolverhampton.
Liverpool.	York.

The greater use of police cells appeared at first sight to be a satisfactory way of reducing the number of persons under 21 who are sent to prison for short sentences, either to enforce the payment of a fine or on direct committal, but after receiving evidence as to the character of the accommodation which can usually be provided in a police station we do not feel able to recommend any general extension of the system at the present time so far as young offenders under 21 are concerned.

It is not in our opinion desirable to detain young people even for four days without employment or opportunities for exercise, which cannot easily be provided in ordinary police stations. Some police authorities, too, would find it difficult to arrange for adequate supervision. We understand, moreover, that in some cases the cells in police stations are so constructed that their occupants can converse, while there may be no constable on duty near enough to overhear and prevent such conversation.

If, however, these disadvantages could be overcome, especially if police cells could be so constructed and supervised as to prevent communication between their inmates, they would afford a short and unpleasant form of detention, which would vindicate the law in a number of minor cases without the use of imprisonment.

It was suggested to us that the period of detention in a police cell might be made intermittent, that is to say, that a person between 17 and 21 might be sent to a police cell for several consecutive weekends. The principle underlying this proposal is that it would be very disagreeable to the offender, involving loss of his free time without interfering with his regular occupation, if any. If he failed to report himself at the appointed time he would become liable to detention in a Borstal institution. As there are practical difficulties in the way of this suggestion, we make no recommendation.

(xi) Borstal Institutions.

The Law.—The Borstal institutions (so called from the village of Borstal in Kent, where the first was established) are an attempt to carry out a real training in citizenship for young offenders who have passed the age of admission to a certified school. An experiment was first made by assembling, in the autumn of 1902, a party of young prisoners in a portion of the old convict prison at Borstal, and devising for them a scheme of industrial training and education.

After a few years' experience a Bill was prepared which eventually became law (Prevention of Crime Act, 1908). By this Act Parliament sanctioned the new establishments, under the name of "Borstal institutions," and, further, authorised a sentence long enough for purposes of training, with a period of

supervision, under the control of a licence, to follow discharge. Section 1 (1) of the Act is as follows :—

" (1) Where a person is convicted on indictment of an offence for which he is liable to be sentenced to penal servitude or imprisonment and it appears to the court

(*a*) that the person is not less than sixteen nor more than twenty-one years of age ; and

(*b*) that, by reason of his criminal habits or tendencies, or association with persons of bad character, it is expedient that he should be subject to detention for such term and under such instruction and discipline as appears most conducive to his reformation and the repression of crime ;

it shall be lawful for the court, in lieu of passing a sentence of penal servitude or imprisonment, to pass a sentence of detention under penal discipline in a Borstal Institution for a term of not less than two years* nor more than three years :

Provided that, before passing such a sentence, the court shall consider any report or representations which may be made to it by or on behalf of the Prison Commissioners as to the suitability of the case for treatment in a Borstal Institution and shall be satisfied that the character, state of health, and mental condition of the offender, and the other circumstances of the case, are such that the offender is likely to profit by such instruction and discipline as aforesaid."

Borstal detention could thus be ordered only for persons who were convicted on indictment of offences for which they were liable to penal servitude or imprisonment. The only power of committal possessed by courts of summary jurisdiction was in the case of boys or girls in reformatory schools who were convicted of committing a breach of the rules of the school, or of absconding. Additional powers, however, were given to courts of summary jurisdiction by section 10 of the Criminal Justice Administration Act, 1914, sub-sections (1) and (2), which are as follows :—

(1) Where a person is summarily convicted of any offence for which the court has power to impose a sentence of imprisonment for one month or upwards without the option of a fine, and

(*a*) it appears to the court that the offender is not less than sixteen nor more than twenty-one years of age ; and

(*b*) it is proved that the offender has previously been convicted of any offence or, that having been previously discharged on probation, he failed to observe a condition of his recognizance ; and

* As amended by the Criminal Justice Administration Act, 1914, section 11.

(c) it appears to the court that by reason of the offender's criminal habits or tendencies, or association with persons of bad character, it is expedient that he should be subject to detention for such term and under such instruction and discipline as appears most conducive to his reformation and the repression of crime,

it shall be lawful for the court, in lieu of passing sentence, to commit the offender to prison until the next quarter sessions,* and the court of quarter sessions shall inquire into the circumstances of the case, and, if it appears to the court that the offender is of such age as aforesaid and that for any such reason as aforesaid it is expedient that the offender should be subject to such detention as aforesaid, shall pass such sentence of detention in a Borstal institution as is authorised by Part I of the Prevention of Crime Act, 1908, as amended by this Act; otherwise the court shall deal with the case in any way in which the court of summary jurisdiction might have dealt with it.

(2) A court of summary jurisdiction or court of quarter sessions, before dealing with any case under this section, shall consider any report or representations which may be made to it by or on behalf of the Prison Commissioners as to the suitability of the offender for such detention as aforesaid, and a court of summary jurisdiction shall, where necessary, adjourn the case for the purpose of giving an opportunity for such a report or representations being made.

Borstal training lasts for a minimum of two years and a maximum of three. In either case a year's supervision follows the expiration of the term. A licence can, however, be granted any time after six months to a lad, and after three months to a girl; and this licence covers the year under supervision as well as the unexpired part of the sentence. The normal course of training has been so arranged as to be completed in two years, and the inmate then licensed, if his sentence was three years, thus remains under the control of the licence for two years more. The licence may be revoked at any time during these two years for a fresh offence, or for unsatisfactory conduct. On revocation the inmate is brought back for a further period of institutional training, which may last for a maximum of one complete year from the date of return. The total period of control, assuming a three years' sentence, is thus normally four years; or, if a licence is revoked towards the end of the supervision period. it may become nearly five.

The Institutions.—The main Borstal institutions are four in number, three for lads, at Borstal, Feltham, and Portland; and one for girls, at Aylesbury. A detached block of Wormwood Scrubs prison has also been set apart as an institution for lads whose licences have had to be revoked.

* Section 46 (1) of the Criminal Justice Act, 1925, gave power to commit to assizes also.

Borstal was once a convict prison, but the prison cell blocks and nearly all the other prison buildings have disappeared and their place has been taken by new blocks of rooms for the inmates which, though still designed on institutional lines, are decidedly more cheerful, lighter, and more spacious. One of these blocks is designed on the dormitory plan; the remainder provide a separate room for each inmate. New industrial shops have also been built, well equipped with power machinery. Outside the walls there are 272 acres of land comprising farm (arable and pasture), market garden, and football and cricket grounds.

Feltham, which is not far from Staines, in Middlesex, was formerly an industrial school, and was purchased by the Prison Commissioners from the London County Council in 1910. It is a large institutional building of red brick, standing in 80 acres of ground. Though it contains a great deal of space, its adaptation has been a matter of difficulty, especially in carrying out the House system. The large dormitories have been divided into cubicles, and the rooms on the ground floor apportioned as dining halls among the separate Houses, or adapted as schoolrooms and offices. A new wing of separate rooms has been built out to the south. The old shops have been re-equipped, and new shops with power machinery built. The farm and market garden occupy 70 acres. The grounds are pleasant, and a number of officers with their wives and families live within them.

The Portland institution is housed in the old convict prison of that name. The lower floors of the high cell blocks are in process of being converted into dining halls and classrooms. Additional land has been obtained, which, with that originally belonging to the convict prison, makes up a total of 71 acres. There are industrial shops with power machinery. There is a small farm, and much work is being done and remains to be done in levelling disused quarry ground and making it into market gardens. There are also eleven football grounds, so that nearly 250 lads can play at the same time on Saturday afternoons. The buildings in which the lads are housed are necessarily old prison blocks, because no other place with any possibilities of industrial training was available when the new institution was required, but the bracing climate, the views of sea and cliff, the excellent industrial shops, and above all the work of a keen and able staff, have produced a spirit in Portland which makes it, in spite of its original disadvantages, the equal of the other institutions.

At all three institutions the main gates stand open all day long. The lads are not confined within the walls, but many work outside and about the estate in conditions of freedom. Games are played every Saturday afternoon, and each institution has now a swimming bath which is much used and keenly enjoyed.

The institution for girls is at Aylesbury where the old prison for women and the disused State Inebriate Reformatory stand within the same wall. The girls are not housed in the prison building except on occasion when under punishment, but occupy the light and airy rooms in the old Inebriate Reformatory building, which is quite separate from the prison. The area of the estate is 33 acres, of which 20 acres of farm land are outside the walls, and the work, as at the lads' institutions, is partly industrial and partly market gardening and farming. The girls, like the lads, play games on Saturday afternoons.

The development of Borstal training has undoubtedly been handicapped by being started in old prison buildings, though much ingenuity has been exercised in adapting them. None of the present buildings are wholly suitable for the purpose, and it is to be hoped that when the next Borstal institution is provided a different policy will be followed and it will be found possible to erect special buildings. This handicap, however, must not be over-estimated. Men matter more than buildings, and the fine results which are now being achieved show how these obstacles can be overcome by a keen and capable staff.

The Training.—Borstal training is a combination of mental, moral, physical and industrial training of a strenuous kind. It is not a fixed system, but like other progressive movements is in a state of flux. New experiments are constantly tried and improvements made as a result of experience and consultation between Commissioners, Governors and officers. Above all, the work of the staff is personal work; its value lies in the influence and leadership of men of character and ideals over lads whose minds are not yet set and whose outlook on life is hazy and distorted. Governors, Housemasters and officers must know their lads personally and treat them as individuals. We believe that these considerations are always before the eyes of the authorities.

One thing stands out in the records of the lads after-careers: that it is the personal relation of friendship and loyalty thus established that alters the lad's life and stands between him and relapse. Abstract principles of honour and honesty follow on that feeling, and are formed by its gradual extension. This is the key to success; and questions of time-table, schoolroom and workshop, though all of them important, are secondary. Next comes trust, increasing with the inmate's progress, and aiming always at developing his responsibility and self-control. Personal liberty, at first restricted, is gradually increased as he passes through the various grades, until in the special grade his sense of honour is left practically alone to stand between him and misconduct. Entrance to the special grade is a formal and serious acceptance of personal responsibility for self-control and right conduct which the lad makes

before his Governor. It is presented to him as the undertaking of a task rather than the gaining of a privilege. Thenceforward, he moves freely about the place, outside as well as inside, on his daily round of work and other duties. He can break his pledge and abscond; even if he is working inside the institution, the main gate stands open all day. This trust is seldom abused. Out of the daily average of approximately 300 special grade lads at Borstal, Feltham, and Portland during 1926, any one of whom could have absconded, only eleven abused the confidence placed in them.

Special grade lads are also trusted away from the institution premises. Small parties go out on Sundays to evening service without any officer. A few of those at Borstal go to evening technical classes at Chatham, again without an officer. Freedom at the summer camps, held every year at the seaside for special grade lads, is equally complete. They keep order in the camps themselves, under the guidance of a Housemaster.

The organisation is based on the House, manned by its own staff of Housemaster, Assistant Housemaster, Principal Officer, two House Officers and Matron. The normal number of Houses in an institution is four, though there are five at Portland. Each House should contain 60 lads, but at present, as we point out later, they are overcrowded. Houses are sometimes broken up into smaller groups to encourage team rivalry. In each House there are a few prefects, chosen from among the special grade lads, with responsibility for the good order of the house in general, and special responsibilities for certain parts of its life, such as library, games, dinner tables, etc. A senior prefect is chosen to be House captain.

The routine of the institutions is that of an active day of 15 hours, beginning with physical training, continuing with 8 hours' work in workshop or outdoor party, and ending with 1½ or 2 hours of school and study. The schoolroom teaching is framed on the lines of adult education, so as to broaden the mental outlook and to teach the responsibilities of citizenship. In the workshops the usual wood and metal trades are carried on with up-to-date power machinery, and there are some minor trades as well. The courses are so framed as to train hand and eye to the use of ordinary tools, including the simpler forms of power machinery. A good grounding of this kind can be given in two years, and so trained a lad can get a place as an improver.

Only some of the lads are fit to be put in the shops. Many will never be able to acquire sufficient skill. For them unskilled manual work fitted to the lads' physique is provided.

Reception Classes.—The reception class is an important part of the Borstal system. Every lad or girl goes first to the reception class. That for girls is at Aylesbury itself, where the

arrangements are adequate for the small numbers. That for lads is at Wandsworth, housed in an old and unsuitable prison block, containing only rows of prison cells and forming part of the premises of a large local prison where adult prisoners are constantly seen. In spite of the unsuitable character of the building, the work which is being done in it is of special value. The Wandsworth Boys' Prison is governed as a separate establishment by a Medical Officer whose duty it is to make a careful record of each lad's history and characteristics, first in order to determine to which institution he should be sent; and secondly, for the guidance of the authorities of that institution. He and his assistants are also doing valuable scientific work in collecting data bearing on the causes of delinquency.

It is exacting work. The Medical Governor himself is fully occupied with mental and temperamental examinations involving prolonged conversations with the lads. He has the assistance of a second Medical Officer who gives his whole time, and he receives the occasional help of two other Medical Officers. Besides this assistance in mental and physical diagnosis, invaluable help is being given by a body of experienced women visitors—all voluntary workers—who obtain the family and personal histories, partly by conversations with the lads, and partly by paying visits to all the homes within reach. Reports about other homes are obtained by the Borstal Association. If our recommendations for the establishment of new Observation Centres are accepted a much-needed opportunity will be given for carrying out this important work under better conditions.

The Borstal Association.—Borstal training would fail without the work of the Borstal Association. Every inmate of a Borstal institution is licensed to the care of this Association, which then becomes responsible for his supervision during the currency of the licence. It makes arrangements for his future well in advance of his discharge, finds him lodgings and work (whenever possible) helps him with necessary clothing and tools, and should misconduct render it necessary reports him to the Prison Commissioners for revocation of his licence. We shall refer in greater detail to the work of the Association under the heading of Aftercare.

Revocation of Licence.—Lads who fail when on licence, either through committing fresh offences or general unsatisfactory conduct, have their licences revoked. It has been found undesirable, for several reasons, to return them to the institution from which they came. A separate block in Wormwood Scrubs prison has been set aside as an institution where their training is renewed on equally vigorous but sterner lines, without the games and other privileges they were able to earn before. Their progress is periodically reviewed, and they are usually re-licensed after six or nine months. The lesson is effective and many of these lads make good without needing another. To Wormwood

Scrubs also are transferred a few lads who misconduct themselves persistently at one of the institutions. It is the practice to re-transfer these when their behaviour has improved.

Results.—In 1925 the Prison Commissioners reviewed the whole of the records of the inmates who had been trained in the institutions from 1910 till the end of March, 1925. The results were given in the Prison Commissioners' Annual Report for the year 1924-25. Out of 6,140 lads discharged from the Borstal institutions since their establishment in 1910, 2,149, or 35 per cent., were known to have come in conflict with the law again, while 3,991, or 65 per cent., had been satisfactory while under supervision by the Borstal Association, and had not since been reconvicted. During the same period 836 girls had been discharged, 287 of whom, or 34 per cent., were known to have been reconvicted, but 549, or 66 per cent., had been satisfactory while under supervision, and had not since, so far as was known, been reconvicted. We are informed, too, by the Borstal Association that their experience has shown that even of those who fail a substantial number are reconvicted once only, usually a short time after their discharge, and remain steady after this one lapse. The first plunge into freedom has been too much, but one further lesson suffices. If these are added to the 65 per cent. who are not reconvicted at all, it is, in the Association's opinion, correct to say that the training is really successful not with 65 per cent. but with about 75 per cent. of all the lads handled. When we remember that most of them would in former times have become persistent law-breakers and gaol-birds, we think the system has fully justified itself by its success.

The future of Borstal.

In the foregoing paragraphs we have sketched briefly the history and present position of Borstal. What of the future? We have already suggested that courts should be given a freer choice in deciding who is suitable for Borstal. This proposal involves a change in the principles governing admission to Borstal, and it must therefore be examined in detail.

Definition of persons suitable for Borstal training.—When the Prevention of Crime Act of 1908 was passed, most of the young offenders with whom it was intended to deal had already accumulated a formidable series of convictions, and had undergone a number of terms of imprisonment. The Probation of Offenders Act of 1907 had not yet had time to produce any effect. At that time, therefore, the object was to check those offenders who, though still young, showed signs of being already advanced on the downward slope towards a career of alternating crimes and sentences of penal servitude. Hence the definition in section 1 (1) (b) of the Act. Hence, too, the explanations which were issued at that time from the Home Office to courts of justice and Governors of prisons, to the general effect that many lads were not bad enough for Borstal, though some might

be too bad; others again were inadmissible because of mental or physical defect. These explanations, though in accord with the intention of the Act, proved in practice a little confusing. Experience, and the progress of events, have justified their modification. The results of the Probation of Offenders Act, and of the new provisions for the payment of fines introduced by the Criminal Justice Administration Act of 1914, have been evident for some years past. Lads committed to Borstal do not now show, save in rare cases, those formidable lists of previous convictions and sentences of imprisonment which used to figure on their records. On the other hand, though their offences may not have been treated so severely, and though the lads themselves (perhaps for that reason) are usually not so hardened, they are none the less in need of training.

We recommend, therefore, that the definition in section 1 (1) (b) of the Prevention of Crimes Act, 1908, and section 10 (1) (c) of the Criminal Justice Administration Act, 1914, should be redrawn, and that in the new definition prominence should be given rather to the need of training than to the existence of formed criminal habits. Commitment should be made to depend on the decision of the court, after full consideration of the young offender's personal and social history, and his mental and physical condition, that owing to his tendency to anti-social conduct and breaches of the law he stands in need of training in the duties and responsibilities of a citizen; and further, that for this purpose the supervision of a probation officer will not suffice, but that the offender needs training in a residential institution.

The next paragraph of sub-section (1) of section 1 of the Prevention of Crime Act, 1908, might, we think, refer to commitment for training to a Borstal institution instead of using the present words "pass a sentence of detention under penal discipline in a Borstal Institution."

The last paragraph of sub-section (1) provides that before passing a sentence of Borstal detention, the court shall consider any report or representations which may be made to it by or on behalf of the Prison Commissioners as to the suitability of the case for treatment in a Borstal institution; and shall be satisfied that the character, state of health, and mental condition of the offender, and the other circumstances of the case, are such that the offender is likely to profit by such instruction and discipline as aforesaid.

If our recommendations in other sections are accepted, it will no longer be necessary to lay upon the prison authorities the duty of making this report in every case. In the first place, when the new Observation Centres have been established, young offenders for whom Borstal training may possibly be needed will be remanded to those Centres, and the experts in charge of them will furnish the full report which the court requires. In the second place, and pending the establishment of these Centres, the need for consultation with the prison authorities on the

point whether a lad is or is not suitable for Borstal training is already somewhat less than it was, because the Prison Commissioners have to some extent relaxed the conditions for admission whose existence rendered the consultation necessary.

The requirement was inserted in the Act of 1908 because Borstal training was originally devised only for young offenders who were healthy in body and mind, and who, though far advanced relatively to their age on a criminal career, yet were not considered beyond hope of reform. It followed from this that there were four grounds on which a lad might be declared unfit. He might be too depraved, or not depraved enough; or he might be either physically or mentally incapable of profiting by the training. It was in view of these somewhat numerous possibilities of exclusion that the Prison Commissioners were called upon by Parliament to assist the courts. Their practice has been to give in each case (a) a special opinion whether the lad in question is or is not excluded on any of these grounds, as well as (b) a general opinion on the point whether he requires training. The Prison Commissioners have already lowered two of the four barriers. They have admitted lads suffering from a moderate degree of physical disability; and they have also adopted a wider view of the possibilities of reform, in so much that no lad, with rare exceptions, is now considered too bad for Borstal. If, as we recommend elsewhere, certain lads who are now sent to prison rather than Borstal on the ground that they are not as yet of formed criminal habits, and certain weak-minded offenders for whom provision cannot otherwise be made, are also admitted to Borstal, the two remaining barriers will have fallen and a special opinion on the question of exclusion will no longer be needed.

It will then become the duty of the court to decide the question for or against Borstal training on the same general grounds, and after enquiries similar in character, to those which the juvenile court has to make when deciding the question of committal to a certified school. The need for obtaining full information before deciding the question is of course no less. Greater attention, if possible, should be paid to this need than has hitherto been the case. But in the case of the lad who may, or may not, be sent to Borstal, the court should now, we think (pending the establishment of the Observation Centres) make its own arrangements for collecting all the necessary information instead of relying as hitherto upon the prison authorities.

The opinion of the prison authorities on the general question whether or no the young offender needs training will not be excluded, and no doubt will prove valuable in cases in which he has to be remanded in custody or committed to prison to await trial. But the court will make its enquiries from other sources also. It will obtain personal and family history from the probation officer, or other social workers, the school record

from the education authority, and physical and mental diagnosis from such local medical official or other medical man as it may consider best qualified to give it.

As regards the question, in what cases this information should be obtained, we think that in every case of a young offender who might be committed to Borstal the court, if it does not call for full reports at once, should, before dealing with the case, consider such information as may be immediately available, and unless fully satisfied thereby that custodial training is not required, should collect the usual full reports. We do not mean to suggest the collection of reports about numerous petty offenders, who plainly are not in need of such training. On the other hand, no rule can be laid down based on the gravity of the offence, because even a minor offence may be the last incident in a history which justifies committal. A court must exercise its discretion in obtaining reports. But in most cases of young offenders it is clear from the information immediately available whether the lad or girl is a person who can be dealt with forthwith, or whether there is room for learning more about him before a decision is made; and in all the latter cases courts should collect full information about the offender. They should also consider all other possible courses of action before deciding to commit to Borstal.

Powers of Summary Courts.—A court of summary jurisdiction has no power to commit direct to Borstal, save in the isolated case of misconduct in a reformatory. Under section 1 of the Prevention of Crime Act, 1908, the power of the court of summary jurisdiction is limited to committing the young offender for trial. By section 10 of the Criminal Justice Administration Act of 1914, as amended by section 46 (1) of the Criminal Justice Act, 1925, the summary court can under certain conditions convict the young offender, for whom it thinks Borstal training is required, and commit him to prison to await assizes or quarter sessions. The decision, whether to send to Borstal or to deal with the case otherwise, is reserved by both statutes for the higher court. Owing to this procedure many lads are detained in prisons for periods of six or eight weeks or even more. These periods of detention amid the sights and sounds of a local prison, where communication with adult prisoners can never wholly be prevented, are undesirable, and should be avoided as far as it practicable. It seems that the higher court, in cases under section 10 of the Act of 1914, usually takes the same view as the summary court, and if that is so, there is no advantage to counterbalance the evils of the delay. The witnesses before us considered that the time had come to give powers to courts of summary jurisdiction to commit direct to Borstal in those cases, in order to avoid the delay in the local prison.

We agree with this view. We do not, however, suggest that all the limitations which have in the past been placed upon

summary courts should be removed. The conditions laid down in the Criminal Justice Administration Act, 1914, section 10, subsections (1) and (1) (a) should remain, i.e. the offence must be one for which the court has power to impose a sentence of imprisonment for one month or upwards without the option of a fine, and the offender must be within the prescribed limits of age. We recommend, however, that subsection (1) (b) should be amended so as to require a previous conviction or a previous order made after proof of guilt. Committal to Borstal under section 1 of the Act of 1908 after trial at assizes or quarter sessions will continue to take place as at present.

If our recommendations are accepted it may, we think, be found more convenient to repeal and re-enact Part I of the Prevention of Crime Act, 1908, and sections 10 and 11 of the Criminal Justice Administration Act, 1914, than to amend both statutes in detail.

Age of admission.—We recommend that the present minimum age of 16 should be raised to a normal minimum of 17, to correspond with the upper age limit for the juvenile court and the certified school. Many lads of 16 who are now sent to Borstal institutions are boyish and immature, better suited for a school than for an institution where many of the inmates are over 20. To meet the needs of the more developed lad of 16, the court should have the option of committal either to a school or to a Borstal institution, as appears best in the interests of the individual; if the latter is selected, the court should certify that the offender is so far developed that he appears to be unsuited for a certified school and to stand in need of Borstal training.

Section 1 (2) of the Prevention of Crime Act, 1908, empowers the Secretary of State to extend the upper age limit for committal from 21 to 23. This power has not yet been used. If it should be used at some future date, we think that persons aged 21 or more on committal should be trained in a separate establishment. Young men who, before licence, might be 24 or even 25 years of age would not mix well with lads of 17.

Period of detention.—We recommend that the length of a Borstal sentence, which must at present be not less than two years, or more than three, should be three years in all cases. The courses of training and education are based on a normal two-year period, and those who have most experience of Borstal work are generally agreed that two years is about the right period. Less is ineffective; on the other hand, if the period is substantially longer, the inmate may lose initiative, and tend to become mechanical. Moreover, when the two years' training is over and the inmate is discharged on licence, it is important that he should have the help and supervision of the Borstal Association for a substantial period of time. If his original sentence was two years, his licence can cover only the one year of supervision; but if it was three

years, he will have the third year of his sentence, plus the one year of supervision, or two years in all, to spend on licence; and the two-year licence is much to be preferred. Further, the lad with the three years' sentence has while in the institution an incentive to do his best work, in the knowledge that he can earn his licence at the end of two years if he does well, but may have to wait for his liberty a few months longer if he does not.

We recognise that deprivation of liberty for a period which may extend to three years is a serious matter, and may be criticised as being too drastic treatment for a young offender who, though admittedly in need of training, may never have committed any offence of a very serious character. The question will be asked if all the lads so committed really do need training; and whether, if they do, they all need training of equal length; or whether some of them might not be licensed after less than two years, even if that is the period required for the training of the majority. We do not think that the two-year period should be regarded as necessary in all cases, but that the progress made by the lads should be reviewed at intervals in order that those who become fit for freedom at an earlier date may not be longer detained.

We understand that the Prison Commissioners have already taken certain measures to this end. A few of those who arrive at the Borstal institutions are found not to require training. They are fitter subjects for supervision in the open. Doubtful cases may be very difficult for a court to decide, even after consideration of all the available information; and it may not be possible to obtain a true view of the case until after the full examination conducted at Wandsworth, followed by an actual trial at one of the institutions. The Visiting Committee of each institution therefore reviews the history, progress, and prospects of every inmate not long after his arrival, and in doubtful cases repeats this review at intervals until it feels satisfied about him. Those who on these reviews are considered not to stand in need of Borstal training are then recommended by the Visiting Committee for early licence. Under the Act of 1908, a licence can be granted after six months in the case of a lad, and after three months in the case of a girl. We recommend that it should be possible to licence both lads and girls at three months, so that lads as well as girls who are found not to stand in need of Borstal training may be placed out promptly.

In addition to this procedure for eliminating those few who may be found not to stand in need of training in a residential institution, we recommend further periodical reviews of the progress of that great majority of the inmates who do require the training the court intended them to receive. We do not question the view that two years is about the right period. We recognise, too, that the licensing of some earlier than others is apt to create a sense of unfairness, and to

cause some embarrassment to the authorities, both in this way and also by creating some dislocation of administrative arrangements. We consider, nevertheless, that there should be a regular system whereby lads and girls who become fit to undertake the responsibilities of free life more rapidly than their fellows should be licensed earlier, and we recommend, therefore, that in addition to the review at three months the progress of every inmate should be reviewed 12 months after committal and at intervals of six months thereafter, and those approved for licence at these reviews should be set free as soon thereafter as the necessary arrangements can be made.

Transfer.—The Prison Commissioners can transfer inmates freely between the institutions, and this power has been used to advantage. The less-developed lads, whose lives have been mainly in home surroundings, whose characters are less set, and whose offences are less serious, have been placed at Feltham. The lads who have been long away from home and have a number of offences recorded against them have been sent to Portland. Borstal receives those who do not fall clearly into one category or the other.

Section 3 of the Prevention of Crime Act runs as follows :—

> The Secretary of State may, if satisfied that a person undergoing penal servitude or imprisoned in consequence of a sentence passed either before or after the passing of this Act, being within the limits of age within which persons may be detained in a Borstal Institution, might with advantage be detained in a Borstal Institution, authorise the Prison Commissioners to transfer him from prison to a Borstal Institution, there to serve the whole or any part of the unexpired residue of his sentence, and whilst detained in, or placed out on licence from, such an institution, this Part of this Act shall apply to him as if he had been originally sentenced to detention in a Borstal Institution.

This power is useful and should be retained.

Section 7 empowers the Secretary of State, on the recommendation of the Visiting Committee of an institution, to commute the unexpired residue of a term of Borstal detention to imprisonment. This power has been used in a few cases of troublesome inmates who have misconducted themselves repeatedly in the institutions. Sometimes it has worked fairly well, and the lad, on finding himself in a prison, has settled down, become well conducted and gone out with some hope for the future. In some cases, however, particularly with girls, the result has been an unhappy one. A bitter sense of injustice has been created in the inmate's mind by finding that he or she has to serve a long time in prison, when the offence for which he or she was originally committed was no worse than those for which other people in the same prison have been

sentenced to a few weeks. A large reduction of the term of imprisonment, on the other hand, is impracticable, because it would place a premium on misconduct at the institutions. On account of these drawbacks the power is not now used, and the institutions deal with their ill-conducted members themselves. The lads' institutions transfer them to the detached block which has been set apart as a Borstal institution at Wormwood Scrubs prison, where they receive a stricter form of training among those whose licences have been revoked. This stricter training, though similar to that of a prison, is carried out in reasonable separation from adults. This power of transfer is used sparingly, and during the year 1926 out of a daily average of 1,164 lads under training only 21 were so transferred. Persistent misconduct by a girl at Aylesbury is met in the same way, namely, by transferring her to that part of the Aylesbury prison block which is used for girls whose licences have been revoked, and subjecting her to the severer form of training which has been arranged for them.

We recommend that section 7 should be repealed.

We recommend further, that the Secretary of State should be empowered to transfer any Borstal inmate between the ages of 16 and 18 to an approved school, if he appears to be at a stage of development for which the training at the school is more suitable. Such transfers should not take place, however, after the age of 18, because detention in a school must come to an end at 19.

Girls.—Few girls are sent to Borstal detention, and the daily average population of the only girls' institution (that at Aylesbury) is about 70. Their training, however, has been found to be a difficult problem which the Governor and her staff have faced with admirable devotion.

A good deal of success has been achieved, but it is fair to say that this success is not quite so great as the figures on page 98 indicate. It is much easier to get the girls situations than to do the same for the lads, and there has accordingly been a certain tendency on the part of the Borstal Association to give more chances to a girl whose conduct is doubtful while she is on licence than would be given to a lad in similar case.

It is evident that the Borstal system for girls is doing good in some cases, but that its general success is a matter which admits of more doubt than in the case of lads. The question is complex, and there is no simple solution. Probably the girls require even more individualized treatment than the lads. Some will respond to a simple appeal to the group spirit; some can be reached by the influence of a single teacher or friend; to others, again, a particular form of religious appeal may be the best avenue of approach. Some can be trained in institutional surroundings; others are more suited for life in smaller groups. One possibility seems to exist in most of their natures; the

capacity to feel that life has a high and serious purpose, if this idea is properly brought home to the girl by her teachers.

The question then appears to be, how to provide for varied forms of appeal suited to individual temperament, and to a stage of development, too, which is more advanced than in the case of lads of the same age. Institutional training will continue to be suitable for some. For others we think that advantage might be taken of certain voluntary Homes. There are such Homes, conducted by women of high ideals, which are doing excellent work of this kind at the present time, and it seems to us that if these Homes were kept abreast of modern requirements by government inspection and assisted by a grant from public funds, they might afford a valuable means of providing certain delinquent girls with the kind of training most likely to be effective, and with that kind of appeal which is most likely to awaken a response. Detention in such Homes, however, should result from a direct order of a court and should not, as sometimes happens at present, result indirectly from a probation order. This would involve giving courts the power to make a new form of order, similar in some respects to a sentence of detention in a Borstal institution. The qualifying conditions as regards the character and age of the offender, and the nature of the offence, should be the same as those required for a sentence of Borstal detention; but the detention should be limited to a maximum period of two years. The progress of the inmate in the Home should be reviewed at regular intervals, and questions of discharge and disposal should be dealt with by the authorities of the Home, subject to the directions of the Secretary of State. Provision should also be made for transfer from one Home to another and from the Borstal institution for girls to such Homes.

To sum up the matter so far as we can, it seems to us that what is most important for the delinquent girl of this age is the strong influence of the individual teacher combined with varied methods of appeal.

New Institutions.—(a) *Present Needs.*—At least one new Borstal institution is needed now for normal lads committed under the existing law. The number under training has shown a slow but steady growth (with a temporary interruption during the War) from the commencement of the institutions to the present time. The number of committals of lads in 1926 was 535. The daily average population of the institutions during the year 1926 was as follows:—

	Lads.	*Girls.*
Borstal	335	
Feltham	378	
Portland	345	
Wormwood Scrubs	61	
Wandsworth (Reception Class) ...	45	
Aylesbury (Girls)	—	67
Total ...	1,164	67

Those experienced in Borstal training are agreed that an institution, to produce its best results, ought not to contain more than four houses of 60 lads each, or about 240 lads in all; and that where the number in a house is appreciably larger than 60, the personal knowledge and guidance which are the essence of Borstal training are in great danger of being lost. It will be seen, therefore, that all the three main institutions for lads are overcrowded at the present time. In spite of some internal re-arrangements, the strain on each staff to keep in real personal touch with their large numbers is too great. We recommend that steps should be taken to relieve this pressure as soon as possible by opening a new institution.

(b) *Future Needs.*—Should our other recommendations be accepted, it will, further, be necessary to make provision for the training of a number of additional offenders who are now sent to prison. Any estimate of this additional number must be largely guess work. 2,064 lads and 199 girls were committed to local imprisonment in the year ending 31st March, 1926; and, as the number so committed has been steadily falling for years past, we may anticipate that the number of those whose treatment we have now to consider will in future years at least not be larger.

The raising of the minimum age to 17 would cause a small reduction, as 112 lads and four girls between 16 and 17 were committed to local imprisonment in the year ending the 31st March, 1926. A number of those who now go to prison in default of paying fines should in future pay them under the influence of the supervision we have proposed. Many of the remainder will, we hope, be dealt with by an efficient and well-organized probation system.

It ought to be increasingly practicable to deal with most of those who are now committed to local prisons by one or other of the above methods; and since a certain number of more serious offenders will probably for some time to come continue to go to prison there should not remain more than a few hundreds each year for whom Borstal training would have to be provided.

The normal course of training being two years, if 500 additional lads were committed each year, about 1,000 would be added to the daily average population of the Borstal institutions. That is to say, the present population might be nearly doubled. If the proper size of an institution is not more than about 240, four new establishments would be required. This estimate might, however, be susceptible of reduction, if the system of periodical reviews which we have recommended should bring about a reduction in the average length of detention.

Adequate arrangements for their training would have to be made. Repetition on this point is not amiss, because it is one of vital importance. Borstal training depends for its success on personal influence and individual knowledge. In order to achieve this personal relationship between the Housemaster and

the officer on the one hand, and the lad on the other, it is imperative that the number of lads placed under the care of each staff should not be too great. If, from motives of economy, an attempt were to be made, even as a temporary measure, to crowd a number of fresh lads into existing institutions which are already full, a profound and disastrous change would result. Personal knowledge and influence would be lost, mass treatment would take their place, and the training would become superficial instead of being a remoulding of character. The existing inmates would suffer as much as the new entrants. There would be far too many failures. The lads have to return to civil life as individuals, and earn their livings in hard and difficult conditions. The external polish given by mass training will not help them there. A deeper change than that, a change in character and outlook, is needed if the lad is to stand firm against the temptations of the old gang and the street corner when he has to return to his lodgings at the end of a day of hard and perhaps uncongenial work. Mass treatment would not afford sufficient justification for asking courts to order prolonged detention.

(c) *Subnormal Offenders.*—There are lads who, though not certifiable as insane or mentally defective, are of unstable temperament, subnormal intelligence, or both. We have taken a considerable amount of evidence with regard to this matter, and we have come to the conclusion that the weight of medical opinion is in favour of treatment for them in a separate institution. At Feltham, where there are about 100 of them, they hinder the normal routine and suffer somewhat from a sense of inferiority. Borstal training was undoubtedly framed for lads healthy in mind and body, and the subnormal are certainly an embarrassment to the administration. But when every effort is being made to keep normal lads out of prison, and when we have recommended further steps to the same end, it would be wrong in our opinion to leave the subnormal offender of similar age who is not certifiable, but who yet requires to be placed under control, to go to prison. We think that the authorities responsible for the Borstal institutions should be prepared to receive such offenders when a court finds it impossible to provide otherwise for their safety and the protection of the public. We recommend that a separate establishment should be provided for the subnormal lads.

It will be seen that our recommendations involve :—

(1) the immediate provision of a new institution to meet the needs of the normal lads committed under the law as it now stands ;

(2) the further provision of adequate accommodation *pari passu* with any new legislation which would increase the number of commitments for Borstal training ; and

(3) the provision of a separate new institution for the subnormal.

(xii) Penal Servitude.

No young person under 16 can be sentenced to penal servitude (Children Act, 1908, section 102 (2)). In accordance with our recommendations we think this age should be raised to 17.

The number of persons between 16 and 21 sent to penal servitude is small. Out of 471 persons sent to penal servitude in 1925-26 seven were under 21. We hope that Borstal detention will be used as a substitute in every suitable case so as to avoid the need for sending persons under 21 to convict establishments. As already pointed out, the Secretary of State has power to transfer persons from penal servitude to Borstal institutions, and this power should be freely exercised in all suitable cases.

(xiii) Capital Punishment.

We have heard no evidence regarding capital punishment, but we have been furnished with figures which show the extent of the problem so far as it relates to persons under 21. In the past 25 years 57 persons under that age have been sentenced to death for murder, of whom 48 were males and 9 were females. The 9 females were all respited. Of the 48 males, 28 were respited, one was certified insane and removed to Broadmoor, and 19 were executed.

Our recommendation that the age of a young person be raised from 16 to 17 involves the abolition of capital punishment for all persons under 17. We think however that in this matter the age of 17 is too low, and we feel that a higher age would be in accord with the present trend of public opinion. We therefore recommend that a sentence of death shall not be passed upon any person under the age of 18.

8.—After-care.

Under this heading we propose to consider the after-care of lads and girls leaving Home Office schools and Borstal institutions. Efficient after-care is a necessity. However liberal the principles on which an institution is run, the conditions of life in it must inevitably be different from those of the outside world. The lad or girl who has done well in the institution may fail when brought into contact with the hard facts and temptations of life. It is then that sympathetic advice and help are needed. The whole value of an expensive training may be thrown away if they are not forthcoming at a critical moment.

The principles of after-care are much the same for both classes of institutions, though the organisation is different.

Home Office Schools.—The managers are responsible for the disposal and supervision of the boys and girls committed to their care. We agree with the Committee of 1913 in thinking that this principle should be maintained because it is

important to preserve the tie between the children and the schools. In many of these a fine spirit of loyalty and attachment to the school has been fostered. The influence which a good headmaster can exercise over his pupils, past as well as present, is strong and enduring. Where the pupils are placed in situations near the school, as sometimes happens, it is not difficult for the headmaster and his staff to visit them frequently and give any necessary guidance or help. In the majority of cases this ideal position is not realized and disposals have to be made at a distance. It is then often impossible to make more than an occasional visit, and some supplementary method of supervision becomes necessary. As the Committee of 1913 pointed out, the "mere obtaining of information is not after-care", and a headmaster who relies on writing to his boys and receiving occasional letters from them is bound to fail in the work of after-care. To meet these needs the Home Office has urged the schools to provide for each boy or girl a local friend in the place where work has been found. The method of finding the local friend varies. Sometimes it is a particular person chosen by the headmaster, such as a Minister of Religion, social worker or probation officer. In other cases it is the agent of a voluntary society, a number of which have offered their co-operation and are giving valuable assistance to the schools in this direction. In a few instances, as at Birmingham, the work is being done by a special committee of the education authority. A list of persons and agencies willing to help has been drawn up by the Home Office for the use of the schools, and is extended as opportunity offers. The system of finding local friends has not yet been perfected, but considerable progress has been made and there is no doubt that in recent years the quality of after-care has shown great improvement.

There is, however, a pressing need for more financial help. Many lads, especially those found employment in skilled trades for which their training has served to fit them, cannot fully maintain themselves for the first year or two, and it is necessary to supplement their wages. Unless this is done they are likely to be driven into unskilled and even blind-alley occupations such as selling newspapers in the streets, which not only means the loss of their skill but may bring them again into bad associations. Under the present financial arrangements money spent in supplementing wages cannot be treated as part of the general expenditure of the school, but there is a special government grant of 3*s*. a week for this purpose and local authorities are invited to contribute a similar amount. This system gives rise to difficulty, because the special grant is not required at all in many cases and in others it is quite insufficient for the purpose. Further, there is no authority to continue the grant beyond the age of 18. In view of the paramount importance of keeping lads in skilled work until they can stand on their own feet we are strongly of opinion that

the financial arrangements should be modified so as to treat reasonable expenditure on after-care as part of the general maintenance of the schools, which may be included in the estimates approved by the Home Office. This alteration, coupled with the longer period of supervision which we recommend, would also make it possible for the schools to meet the urgent demand for more hostels, especially for lads who are sent to sea.

Borstal Institutions.—The after-care of lads and girls licensed from the four Borstal institutions is entrusted, as we have already mentioned, to the Borstal Association. This Association is a voluntary body disposing of funds which consist partly of private subscriptions and partly of a government subvention. Its offices are in London, but it has a large number of associates throughout the country. Every inmate of a Borstal institution is seen by one of the representatives of the Association during his stay in the institution and arrangements for his future are settled. On his discharge he is placed under the care of one of the associates, found employment if possible, and in any case placed in suitable lodgings. He receives help and advice during the legal period of his supervision. The success of the associates in finding work for hundreds of lads amid such unemployment as exists to-day is a striking testimony to their tenacity in the face of many disappointments. The figures should be studied in the reports of the Association, but we may mention that of the 136 lads and girls discharged during the first quarter of 1926, work was found for 78 by the Association, and 50 others, under its guidance, found work for themselves. This is an admirable illustration of the successful way in which the Borstal Association is meeting its heavy responsibilities.

Local Organisation —It will be seen that in the case both of Home Office schools and Borstal institutions the assistance of social workers in the place where the lad or girl is found employment is an important element in the system of after-care. It is not always easy at present for the schools to find out who are the best persons to help them in any particular locality. The Borstal Association experiences the same difficulty. Many of the persons who are doing the work of supervision are working in ignorance of what is being done by others in the same area and without any sharing of experience and information. There are various authorities and bodies who have or ought to have an interest in this problem. The local education authorities have a close connection with the work of Home Office schools, and we should like to see them play a more active part in the after-care of the boys and girls. Probation officers, whose work is closely allied to after-care, are frequently engaged in both branches and are giving valuable help both to the schools and to the Borstal Association. Under the provisions of the Criminal Justice Act, 1925 (Part I), probation committees of Justices are

now established in every petty sessional division, and in watching over the work of the probation officers they are becoming concerned in the same problems. There are also many voluntary societies who are lending a willing hand in the work, and these figure in the list of after-care agents used by the schools. We think it would be a great advantage if in the principal centres to which lads and girls are sent from Home Office schools or Borstal institutions local committees (which we suggest might be called guidance committees) could be set up to organize and co-ordinate the work of after-care. It should be the business of such a committee to find local friends on request, to confer with them and discuss difficulties, and to help and advise generally as to the conditions of labour and avenues of employment in the neighbourhood. It should be the duty of the Home Office to secure the establishment of committees in those areas where the need arises, and we think the local education authority might usually be invited to take the initiative locally. The committee should be fully representative of all the interests concerned, and especially of the probation committee. Where a committee is appointed, both the Home Office schools and Borstal Association would be placed in direct communication with it in regard to local after-care. We do not suggest that the same agents should supervise boys and girls from the schools and older persons of both sexes from Borstal institutions. There is a manifest difference in the problem, and it is often undesirable to bring them into association. But the general questions which arise are similar, and we see no reason why the committees should not be responsible for the organisation of the work for the younger and older alike.

The facilities for finding employment for young people generally have been greatly improved in recent years, but advantage is not always taken of these as it should be by probation officers and after-care officers who are seeking work for lads and girls who have been in trouble.

The problem of work-finding for those who are making a new start in life can often be better solved locally by such an organisation as we suggest than by any central authority. Local effort, however, needs stimulus and assistance, and the Home Office should consider how best this can be given. General questions arise from time to time as to which local workers need information and advice. For instance, the best means of sending to sea and to farming and the prospects of emigration are matters on which fuller knowledge is often required. In the organisation of the probation system the Home Office has got considerable assistance from the Advisory Committee which was appointed as a result of the recommendations of the Committee of 1922, and we suggest that this Advisory Committee might be reconstituted so as to consider the problems of after-care as well as those of probation.

9.—Mental Defect.

It is important that offenders who are mentally defective should be provided for in institutions suited to their infirmity, and that they should not be sent to approved schools, Borstal, prison, or other institutions for the treatment of normal offenders. The Mental Deficiency Act, 1913, gave effect to this principle and provided machinery by which offenders of this class could be dealt with either at the time of trial or by subsequent transfer. We hope that the improved methods which we have recommended for the observation of young offenders will ensure that all those who are mentally defective at the time of trial will be dealt with as such by the courts under the Mental Deficiency Act.

Unfortunately the intention of Parliament cannot be realized owing to the lack of accommodation. The War made it impossible for several years for local authorities to fulfil the obligations imposed upon them, especially in view of the then financial position. The ground thus lost has never been recovered, and though the temporary difficulties which arose owing to the war can no longer be pleaded in extenuation, practically no progress is being made to grapple with the problem. The Board of Control point out in their last report* that so far from improving the position " has in fact become more acute as the number of new beds has not kept pace with the number of new cases, and nothing has been done to overtake the arrears." The Board of Control add later in the same report :

> " The necessity of immediate provision of accommodation is further shown by the following figures : (1) Ascertainment is steadily increasing and always results in the discovery of cases needing the care, training and protection of an institution. The total number ascertained up to the end of 1925 was 55,480, an increase of 6,702 over last year.
>
> (2) Last year our returns showed that, in 2,197 of the cases reported by the Local Education Authority since the passing of the Mental Deficiency Act, no action had been taken towards dealing with them by the Local Authorities. This year the same return gives 2,338 in which no action has yet been taken. It should be remembered that these cases are not notified unless they need supervision, guardianship or institutional care, and it is highly probable that a large number need either the care of a guardian or the shelter of an institution. There are also 2,141 cases otherwise ascertained, but for whom no form of care has yet been forthcoming.
>
> (3) The returns also show 1,205 cases " waiting removal " to an institution. If the present lack of vacancies continues, it is certain that this list will increase year by year. This

* Annual Report of the Board of Control for the year 1925.

year there are 505 more cases "waiting" than last year. There are also 126 cases "waiting" in "places of safety."

(4) This year, for the first time, we obtained a separate return showing the result during one year only (1925) of notification under Section 2 (2) by the Local Education Authorities. We give the figures :—

During 1925	...	2,176 cases were notified.
Of these	...	306 were certified and sent to institutions.
		23 were certified and placed under Guardianship.
		3 were sent to "places of safety."
		1,354 were put under Statutory Supervision.
		In 490 cases no action has yet been taken.

These last two groups of figures taken together number 1,844. Knowing as we do that only the lower types, and the most difficult cases, are notified by the Local Education Authorities, we cannot believe that Supervision is sufficient protection for a large number of the first group, or that some action should not have been taken with regard to the second. The benefit of the excellent training and care given in the special Schools is largely thrown away if, at the dangerous age of puberty, there is a break in the continuity of training and protection."

These are serious words. It is not any part of our function to consider the problem of mental defect as a whole, but so far as the question concerns young men and women who are falling or have already fallen into crime, the present position is a grave injustice to the unfortunate persons concerned and a serious menace to the public interest. We desire to draw attention to the unsatisfactory position and to the paramount importance of coping with it.

Apart from the lack of accommodation, experience of the working of the Act has disclosed a serious divergence of practice by doctors in deciding whether a particular person is mentally defective within the meaning of the Act, owing largely to the requirements of the Act that mental defect must be known to exist from "birth or an early age." Our attention was drawn by many witnesses to the difficulty caused by these words and we think that the Act needs amendment. We hope that the Bill which has been introduced into Parliament for this purpose will soon become law.

A serious difficulty has also arisen in providing for persons who commit offences when suffering from the effects of *encephalitis lethargica*. A number of such cases have been sent to Home Office schools, prisons and other institutions where they cannot be successfully treated and impose an unfair burden upon the staff. It is wrong that such persons should be

dealt with as criminals instead of as proper subjects for medical care. It is clear that they ought to be provided for in suitable institutions. We understand that this principle has been accepted by the Minister of Health and we hope that steps will be taken as soon as possible to deal with the problem.

10.—Neglected Children and Young Persons.

So far our report has dealt mainly with young persons who have committed offences, though we have referred incidentally to the position of those who suffer from neglect and have shown that no sharp distinction can be drawn between the two classes. We desire now to refer more fully to the question of neglect. We propose first to describe the various classes of neglected children and how they are provided for and then to indicate the defects which exist in the present law and to suggest how best they can be remedied.

There are, broadly speaking, three main groups of neglected children; those dealt with under the Poor Law, in voluntary Homes, and under the Children Act.

Poor Law Children.—This is by far the largest class numerically. Boards of Guardians have no obligation towards neglected children as such, except so far as they come within the Poor Law. When an application for relief is made to them by or on behalf of the child or the child's parents their responsibility begins. Once a child has come within the jurisdiction of the Guardians they have the widest discretion in deciding what form of relief should be given, but the policy of the Central Poor Law Authority has been to discourage the giving of relief in such a way as to allow children to remain in unsatisfactory homes or surroundings. The great majority of children within the reach of the Poor Law are living with their parents who are in receipt of relief, and it may be assumed that these do not come within the term "neglected." Those whom it is found necessary to remove from their homes are dealt with by being boarded out, by being kept in the workhouse or in separate schools or other institutions. We have been supplied with figures which show how many Poor Law children were provided for by these various means on the 1st January, 1926:—

Boarded out	10,461
Workhouses and Infirmaries	18,159
Poor Law Schools	31,768
Other Institutions	8,814
	69,202

The method of boarding-out, which is regulated by the Boarding-Out Order, 1911, is limited to children who are deserted, orphans, or adopted by the Guardians.

The Poor Law Schools are of various types—either large schools of the barrack type, or groups of cottage Homes,

or still smaller Homes under the care of a foster mother. Most of the children now receive their ordinary education at the public elementary schools, supplemented by a certain amount of industrial training in the institution. The last group includes training ships and other voluntary Homes and a good many children who are sent by the Guardians each year to industrial schools. The schools receive no grant from the Home Office in respect of these cases; the full rate of maintenance is paid by the Guardians.

The Poor Law Act of 1899, which amended the Poor Law Act of 1889, gave the Guardians new and interesting powers of control over certain classes of children. The Act provides that where a child is maintained by the Guardians of a Poor Law Union and

(i) the child has been deserted by its parents; or

(ii) the Guardians are of opinion that by reason of mental deficiency or of vicious habits or mode of life, a parent of the child is unfit to have the control of it; or

(iii) a parent is unable to perform his or her parental duties by reason of being under a sentence of penal servitude or of being detained under the Inebriates Act, 1898; or

(iv) a parent of the child has been sentenced to imprisonment in respect of any offence against his or her children; or

(v) a parent of the child is permanently bedridden or disabled and is the inmate of a workhouse and consents to the resolution hereinafter mentioned; or

(vi) both the parents, or in the case of an illegitimate child the mother of the child, are or is dead;

the guardians may resolve that the rights and powers of the parents shall vest in them until the child is eighteen. They have power to rescind the resolution at any time or may permit the child to be either permanently or temporarily under the control of the parent or any other relation or of any friend or of any society or institution for the care of children. The parent or guardian has the right of appeal to a court of summary jurisdiction against such a resolution made by the Guardians.

We understand that frequent use is made of this power of adoption by Boards of Guardians. In 1908 there were 12,417 children so adopted. Figures for later years are not available.

We have referred to children under the Poor Law in some detail because it appears to us an integral part of the whole question of neglected children. It is not within our functions to make any recommendations as regards the administration of the Poor Law. We would point out, however, that if under any proposal for the reform of the Poor Law the powers and duties of Boards of Guardians are transferred to the ordinary local authorities the separation of Poor Law children from other classes of neglected children would tend to disappear, and it would be possible to secure a greater measure of unity and consistency in their treatment.

Voluntary Homes.—A great many destitute children are dealt with entirely by voluntary effort. Homes for the maintenance of such children are scattered throughout the country. The work of the most important is too well known to need mention. Many of them have done a magnificent work. No definite information is available as to their number or the number of children in their care, but if the proposals made by the Adoption Committee in their Third Report for the notification of all such Homes are carried out it will be possible to obtain accurate information. We also agree that they should be regularly inspected.

Children Act cases.—The Children Act, 1908, contains a number of provisions in regard to neglected children.

(1) Children under 14 can be sent to industrial schools or to the care of a relation or fit person if they come within one of the following categories prescribed by section 58 (1), that is to say if the child—

(*a*) is found begging or receiving alms (whether or not there is any pretence of singing, playing, performing, offering anything for sale, or otherwise), or being in any street premises or place for the purpose of so begging or receiving alms; or

(*b*) is found wandering and not having any home or settled place of abode, or visible means of subsistence, or is found wandering and having no parent or guardian, or a parent or guardian who does not exercise proper guardianship; or

(*c*) is found destitute, not being an orphan and having both parents or his surviving parent, or in the case of an illegitimate child his mother, undergoing penal servitude or imprisonment; or

(*d*) is under the care of a parent or guardian who, by reason of criminal or drunken habits, is unfit to have the care of the child; or

(*e*) is the daughter, whether legitimate or illegitimate, of a father who has been convicted of an offence under section four or section five of the Criminal Law Amendment Act, 1885, in respect of any of his daughters, whether legitimate or illegitimate; or

(*f*) frequents the company of any reputed thief or of any common or reputed prostitute; or

(*g*) is lodging or residing in a house or the part of a house used by any prostitutes for the purposes of prostitution, or is otherwise living in circumstances calculated to cause, encourage, or favour the seduction or prostitution of the child.

(2) On the application of a parent or guardian who can show that a child is beyond control, such child may be sent to an industrial school or placed under the supervision of a probation officer (Children Act, 1908, section 58 (4)), or committed to the care of a relative or fit person (section 58 (7)).

(3) A child under 14 who is maintained in a workhouse or district poor law school and who is refractory, or one of whose parents has been convicted of an offence punishable with penal servitude or imprisonment may on the application of the guardians be sent to an industrial school or committed to the care of a relative or fit person (Children Act, 1908, section 58 (5) and (7)).

(4) Truant children may in pursuance of the Education Acts be sent to industrial schools or committed to the care of a relative or fit person (Children Act, 1908, section 58 (6) and (7)).

(5) Young persons between 14 and 16 who come within any of the categories of section 58 (1) may be committed to the care of a relative or fit person and in addition may be placed under the supervision of a probation officer (Children Act 1908, sections 59, 60).

(6) Where a person having the custody, charge or care of a child or young person has been convicted of committing in respect of such child or young person an offence under Part 11 of the Children Act or any of the offences mentioned in the First Schedule of that Act; or committed for trial for any such offence; or bound over to keep the peace towards such child or young person, the child or young person can be committed to the care of a relative or fit person. (Children Act, 1908, section 21 (1)).

(7) Where a girl under 16 is, with the knowledge of her parent or guardian, exposed to the risk of seduction or prostitution, or of being unlawfully carnally known, or living a life of prostitution, a court may adjudge her parent or guardian to enter into a recognisance to exercise due care and supervision in respect of her. (Children Act, 1908, section 18.)

These provisions for the welfare of children marked a considerable advance on the procedure available before the passage of the Children Act, but experience has shown that they are defective in many respects and complicated as they are they do not afford anything like a complete solution of the problem. In the first place, the Act does not provide for many cases where protection is urgently required. Cases frequently occur in which children are living in the worst possible surroundings without any proper guardianship being exercised by the parents, but they cannot be brought before a court until they commit an offence or are found wandering within the meaning of section 58 (1) (b). In some instances a technical plea of wandering has been supported in order to furnish a means of protecting the child. Strong representations were made to us for the omission of these words from the statute and we observe that a similar recommendation is made by the Committee on Sexual Offences against Young Persons (p. 72). Many other instances have occurred in which it has been found impossible to bring cases within any of the paragraphs of section 58 (1), though the moral welfare of the child was in danger. The Punishment of Incest Act provides for the transfer of guardianship of any female under 21

in respect of whom the offence has been committed, but no provision is made for younger children who may be at home Section 18 of the Children Act enables a court of summary jurisdiction on complaint to bind over the parent or guardian of a girl under 16 who is exposed to the risk of seduction or prostitution, but if she is over the age of 14 there is no power to remove her from her home. Other examples are given by the Committee on Sexual Offences. There is no power to deal with children beyond control except when the parent applies for an order. There is equally no means of dealing with adolescents between (say) 14 and 16 either on the application of their parents or otherwise. Cases occur in which young persons—especially girls—are entirely out of hand and in imminent risk of moral contamination, but they cannot be protected until they have committed some offence. We would refer to the remarks of the Committee on Sexual Offences on this point (pages 73 & 74).

Secondly, the methods of treatment available are not satisfactory. In many of the cases, as will be seen, the only course available to the court is to commit the child or young person to the care of a relative or fit person, but such persons may not be readily available and it is no one's business to find them. A busy court cannot be expected to do so. Moreover, as we have already pointed out, difficulty arises from the absence of any power to contribute from public funds towards the cost of maintaining such cases.

Thirdly, there is no authority whose duty it is consistently to see that all suitable cases are considered and dealt with. The Children Act imposes upon the police authority the duty of taking proceedings under section 58 (1), unless proceedings are being taken in any particular case by the local education authority or some other person, but in other cases the matter is left to the initiative of the parent or some other individual or society. The National Society for the Prevention of Cruelty to Children has performed a remarkable public service in discovering cases of cruelty and neglect, and in bringing such cases before the courts when necessary.

We are satisfied that a more consistent and comprehensive policy is required, and we recommend that the present provisions of the Children Act should be extended by two general provisions which would ensure the protection and treatment of—

(1) Children and young persons under 17 who have no parents or guardians or parents or guardians who are unfit to take care of them or who do not exercise proper guardianship, where the court is satisfied that the children or young persons are falling into bad associations, or are exposed to moral danger or are beyond control.

(2) Children or young persons under 17 in respect of whom specified offences (such as cruelty or sexual offences) have been committed or who are living in homes where such

offences have been committed in respect of other children or young persons and the court is satisfied that they require special protection.

All these cases should be considered by the juvenile court and the appropriate measures taken by that court. In the case of (2) the court which hears the charge should have power to refer to the juvenile court any question relating to the protection of the children concerned.

We think that the local education authority should be specially charged with the duty of enquiring into all cases coming within these two groups and bringing them when required before the juvenile court for decision.

Where it is found necessary to remove a child or young person from his home pending the decision of the juvenile court, the local education authority should be empowered to take the necessary action by a Justice's warrant. Temporary accommodation should be found in some " place of safety " within the meaning of the Children Act, but the police station should not be used unless it is necessary to do so. For instance when a police officer finds a child wandering he may have to use the police station temporarily until some other suitable place can be found. At present neglected children are frequently taken to the police station and their cases are entered on the " charge sheet " though the procedure is by complaint. As we have mentioned in a previous part of our report, the taking of a child who is an alleged offender to the police station cannot well be avoided, but in the case of the child who is being dealt with on account of neglect the use of the police station should be eliminated whenever possible. The transfer of the primary responsibility from the police to the local education authority will facilitate this change of procedure.

The juvenile court should have wide powers in respect of the treatment of neglected young people. It should be enabled to commit the children and young persons concerned either to the care of a relative or fit person or to the guardianship of the local education authority, to place them under the supervision of a probation officer, or commit them to an approved school. Supervision in the home seems particularly appropriate in some of these cases, as it is often found that a bad parent mends his ways when his responsibility is brought home to him. We see no reason why the services of the probation officer should not be made available for many such cases.

SUMMARY.

We give below for convenience of reference a short summary of the principal points in our report. Such a summary is necessarily incomplete and reference should be made to the text at the pages quoted for a full explanation of our proposals:

The Juvenile Court.

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selves acquainted with some of the institutions to which they send children. The Home Office should keep in close touch with juvenile courts.

29–31 (11) Children under 14 (except in cases of homicide) should always be dealt with by summary procedure in the juvenile court, that is to say, the right to go for trial should in their case be abolished.

29–34 (12) The whole procedure in juvenile courts should be remodelled on simpler lines, and the forms should also be made simpler. The law both as to trial and treatment should be revised and consolidated.

32 (13) The terms "conviction" and "sentence" should not be used in the juvenile court.

34–35 (14) The juvenile court should be supplied with the fullest information—including reports on the home surroundings, and school and medical records—concerning those brought before it.

35 (15) There should be closer co-operation between the juvenile court and the local education authority.

35–37 (16) The juvenile court should be held in premises which are not used for the holding of other courts.

37–38 (17) Proceedings in a juvenile court should be as private and as informal as possible, care being taken to limit the number of persons present.

37 (18) Publication of the name, address, school, photograph or anything likely to lead to identification of the young offender should be prohibited.

38 (19) Special consideration should be given to persons under 17 when they have to be taken to police stations to be charged. Suitable accommodation should be provided and a police matron or policewoman should be available for girls.

38–39 (20) When a person under 21 is charged jointly with a young person under 17 the hearing should take place in the juvenile court unless the older person objects. This procedure should not apply to certain serious offences.

39 (21) The provisions of the existing law for the protection of young offenders dealt with in adult courts should be strictly observed. The adult court should be enabled, after the offence has been proved, to refer a person under 17 to the juvenile court for treatment.

Bail and Remand.

40–45 (22) Much better facilities are required for the examination and observation of young offenders under 21, both by the juvenile court and the adult court. For this purpose at least three Observation Centres or Central Remand Homes should be provided by the State in convenient places.

42 (23) The fullest use should be made of bail to avoid any unnecessary remand in custody.

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(24) The requirements of remand in custody should be met as far as possible by the new Central Remand Homes. Where this accommodation cannot conveniently be used the responsibility for making arrangements should as regards persons under 17 fall on the local education authority, and as regards persons between 17 and 21 the local authorities should be asked to arrange for accommodation which in suitable cases could be used instead of prison. Voluntary Homes might be used for girls. 46

(25) After the offence has been proved, the court should have power to order a further remand without requiring the presence of the offender. 46–47

Methods of Treatment.

Probation.

(26). Our scheme of treatment contemplates the fullest use of probation in suitable cases. An efficient probation system is required which it is hoped will be secured by the new machinery of the Criminal Justice Act, 1925. 51–53

(27) The term "probation" should mean release under the supervision of a probation officer and should not be applied to dismissal or binding over. 51–52

(28) Probation should be restricted to "supervision in the open" and should not be associated with institutional treatment, i.e., a probationer should not be required as a condition of a probation order to reside in a Home for training. 54–56

(29) There is need, however, for a greater use of hostels, i.e., places in which the young offender lives under supervision, but normally goes out to ordinary work. Residence in a hostel may properly be made a condition of a probation order. Such hostels should be approved and inspected by the central authority and there should be grants from public funds. 56–57

(30) The need for conviction in a court of assize or quarter sessions before an offender is placed on probation should disappear. 57

(31) Probation must not lack firmness. The offender should be made to realise the seriousness of his position. Definite conditions suited to the particular case should be inserted in the probation order. 57–58

(32) The work of the probation officer must be thorough, and must include visits to the homes of his probationers. The Magistrates, through their probation committees, should exercise close supervision over the manner in which the duties are performed. 58–59

(33) Where the offence is theft or damage restitution should be ordered in all suitable cases. 58

(34) As successful probation depends mainly on the qualities of the probation officers, the best available candidates should be selected. Vacancies should be advertised and candidates interviewed personally. 59–61

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60–61 (35) There should be closer co-operation between the probation officers and Home Office schools and other institutions. The practice of entrusting probation officers with the duty of taking children to them should be encouraged.

61–62 (36) A woman or girl should always be placed under the supervision of a woman probation officer. Boys over school age should be placed under the supervision of a man.

62 (37) The central administrative control of the probation service should continue to be exercised by the Home Office. It will be necessary for the Home Office, in administering the government grant, to satisfy itself as to the manner in which the work is being carried on. The Children's Branch of the Home Office should be reorganised and strengthened to enable it to fulfil these functions in an adequate manner.

Guardianship.

63–65 (38) There should be power to transfer to the local education authority the guardianship of a child or young person who must be moved from the control of his parents, but who does not need institutional training. It would be the duty of the local education authority to find a new home for him and to watch over his future welfare. The cost should be borne by local funds subject to a government grant.

This method will replace boarding out from Home Office schools.

Fines.

66 (39) There should be power to place a child or young person on probation and at the same time to order the parent or guardian to pay a fine or costs or damages.

Whipping.

67–69 (40) We deprecate strongly any indiscriminate use of whipping. There should be a medical examination in all cases, and the parent or guardian should have a right to be present. The court should consider the character of the offender rather than the nature of the offence. Subject to these safeguards, courts should be enabled to order a whipping in respect of any serious offence committed by a boy under 17. Whipping should not be associated with any other form of treatment.

Detention.

69 (41) Detention in a place of detention should as far as possible be abandoned.

Home Office Schools.

69–71 (42) Home Office schools have been reorganised since the last enquiry in 1913; they are well equipped and they are carrying on their difficult work with marked success.

71–72 (43) The distinction between reformatory and industrial schools should be abolished and the terms "reformatory" and "industrial" should be abandoned. They should be described as schools approved by the Secretary of State.

IMPRISONMENT.

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necessary to pass a sentence of imprisonment on a person between these ages should give a certificate that the offender cannot properly be dealt with except by this course.

82–85 (58) Imprisonment should also be avoided for the enforcement of fines. Whenever time can be allowed for payment use should be made of the system of supervision provided by the Criminal Justice Administration Act, 1914 (Section 1 (3)).

Detention at Court House or in Police Cells

89 (59) Detention for a day at the court or police station is a useful method of dealing with minor offences and should be used whenever possible to avoid imprisonment.

89–91 (60) Detention for not more than four days in police cells is also a useful alternative to imprisonment, but advantage should not be taken of it unless the accommodation and conditions are satisfactory.

Borstal Institutions.

98 & 86 (61) Borstal has proved a success and the system should be developed so as to give more young offenders the advantage of this form of training in place of imprisonment.

95 (62) Borstal training has been handicapped by being started in old prison or institutional buildings. Special buildings should be erected for future Borstal institutions.

98–99 (63) The definition of suitability for Borstal, as set forth in section 1 (1) (*b*) of the Prevention of Crime Act, 1908, and section 10 (1) (*c*) of the Criminal Justice Administration Act, 1914, should be redrawn. Prominence should be given rather to the need of training than to the existence of formed criminal habits. Commitment should be made to depend on the decision of the court, after full consideration of the young offender's personal and social history and his mental and physical condition, that owing to his tendency to anti-social conduct and breaches of the law he stands in need of training in the duties and responsibilities of a citizen; and further, that for this purpose the supervision of a probation officer will not suffice, but that the offender needs training in a residential institution.

99 (64) The statute should refer to "commitment for training in a Borstal institution," instead of to "a sentence of detention under penal discipline in a Borstal institution."

99–101 (65) The special report from the Prison Commissioners as to suitability for Borstal will no longer be required. The court will obtain the fullest possible information, as in the case of committal to certified schools, from such sources as it may deem best. When the new Observation Centres are established they will naturally undertake this work.

101–102 (66) Courts of summary jurisdiction should be empowered to commit direct to Borstal, under the conditions laid down in section 10 of the Criminal Justice Administration Act, 1914, amended as we suggest.

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(67) The age of admission to Borstal should normally be between 17 and 21. Between 16 and 17 the court should have a choice between an approved school and a Borstal institution; if Borstal is selected there should be a certificate that the offender is so far developed that he appears to be unsuited for a certified school and to stand in need of Borstal training. 102

(68) The length of a Borstal sentence should be three years in all cases. The normal period of training will be about two years, but there should be power to license three months after admission. Every case should be considered at the expiry of that period, again at 12 months, and thereafter every six months, and suitable cases should be licensed as soon as possible after each review. 102–104

(69) The power to commute penal servitude or imprisonment to Borstal detention should be retained. The power to commute Borstal detention to imprisonment should be abolished. The Secretary of State should be empowered to transfer any Borstal inmate between 16 and 18 years of age to an approved school. 104–105

(70) Training for girls of Borstal age should provide for varied forms of appeal suited to individual temperament. This requirement might in some cases be met by giving the courts power to order detention not exceeding two years in a voluntary Home, subject to government inspection and a grant from public funds. Provision should be made for transfer from one Home to another and from the Borstal institution for girls to such Homes. 105–106

(71) One new Borstal institution is already needed to relieve the congestion in existing institutions. Our recommendations will involve an increase in the numbers committed, and probably four further institutions may therefore be required; these institutions should be provided *pari passu* with any new legislation increasing the number of committals. In addition, a separate establishment should be provided for the sub-normal lads. 106–108

Capital Punishment.

(72) Sentence of death should not be passed upon any person under the age of 18. 109

After-care.

(73) Home Office schools and Borstal institutions should each retain their system of after-care, based on the individual school and on the Borstal Association respectively. Both systems depend upon the assistance of social workers in the place where the lad or girl lives, and that assistance should be better organised. Where the need arises, the Home Office should secure the establishment of local committees to organise and co-ordinate the work of after-care. Such committees should be fully representative of all the interests concerned, e.g., local education authorities, probation committees, voluntary societies, and might usually be set up on the initiative of the local education authority. 109–112

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112 (74) The Probation Advisory Committee might be reconstituted so as to consider the problems of after-care as well as those of probation.

110–111 (75) The financial arrangements in Home Office schools in respect of after-care should be modified so as to treat reasonable expenditure on after-care as part of the general maintenance of the schools, to be included in the estimates approved by the Home Office.

MENTAL DEFECT.

113–114 (76) Immediate steps should be taken to deal with the serious lack of accommodation for mental defectives.

114 (77) The Mental Deficiency Act, 1913, should be amended so as to remove the difficulty caused by the words " from birth or an early age."

114–115 (78) Persons suffering from the after-effects of *encephalitis lethargica* should not be dealt with as criminals but should be provided for in suitable institutions as subjects for medical care.

NEGLECTED CHILDREN AND YOUNG PERSONS.

115–120 (79) The Children Act, 1908, should be extended by two general provisions which would ensure the protection and treatment of :—

(i) Children and young persons under 17 who have no parents or guardians, or parents or guardians who are unfit to take care of them or who do not exercise proper guardianship, where the court is satisfied that the children or young persons are falling into bad associations, or are exposed to moral danger, or are beyond control.

(ii) Children or young persons under 17 in respect of whom specified offences (such as cruelty or sexual offences) have been committed, or who are living in homes where such offences have been committed in respect of other children or young persons, and the court is satisfied that they require special protection.

120 (80) In the case of (ii) above the court which hears the charge should have power to refer to the juvenile court any question relating to the protection of the children or young persons concerned.

120 (81) The local education authority should be specially charged with the duty of enquiring into all cases coming within the above two groups and bringing them when required before the juvenile court for decision.

120 (82) Where it is found necessary, in neglect cases, to remove a child or young person from his home pending the decision of the juvenile court, the local education authority should be empowered to take the necessary action by a Justice's warrant. Temporary accommodation should be found in some " place of safety," but the police station should not be used unless absolutely necessary.

120 (83) Methods of treatment should be similar to those available for juvenile delinquents, and the services of the probation officer should be made available.

Finally, we desire to express our cordial appreciation of the very valuable services rendered to us by our Secretary, Mr. C. B. McAlpine, during our sittings, in the many investigations we found it necessary to make, in preparing the Summaries of the Evidence and in the drafting of this Report. His close study of the subject has been of the greatest assistance to us in our deliberations and has considerably lightened our labours.

We have the honour to be,
Sir,
Your obedient Servants,

THOMAS F. MOLONY.
CHARLES T. BARTON.
GERALDINE S. CADBURY.*
ROLLO F. GRAHAM-CAMPBELL.
RHYS J. DAVIES.*
S. W. HARRIS.
SPURLEY HEY.
ISABEL LAWRENCE.
KATHARINE LYTTELTON.
C. RAINE.
EDMUND TURTON.
M. L. WALLER.
WEMYSS GRANT-WILSON.*

C. B. MCALPINE,
(*Secretary*).
17th March, 1927.

*These signatures are attached subject to the Memorandum appended.

MEMORANDUM BY MRS. CADBURY, MR. RHYS DAVIES AND SIR WEMYSS GRANT-WILSON.

We are not satisfied that whipping ordered by a court of law serves a useful purpose. We cannot, therefore, agree with the Recommendation of the Committee on this point.

GERALDINE S. CADBURY.
RHYS J. DAVIES.
WEMYSS GRANT-WILSON.

APPENDIX I.

List of Witnesses Examined.

Abbiss, G., Chief Inspector, Metropolitan Police Force.
Abbott, Miss G., Children's Bureau, Washington, U.S.A.
Ackroyd, T. R., J.P. for Lancashire.
Armstrong-Jones, Sir Robert, C.B.E., D.Sc., M.D., F.R.C.P., F.R.C.S., J.P., representing the Magistrates' Association.
Banister, W. H., Headmaster, Netherton Training School, representing the Society of Head Masters and Mistresses of Certified Reformatory and Industrial Schools.
Barker, Miss L. C., C.B.E., Governor, H.M.B.I., Aylesbury.
Bentham, Dr. Ethel, M.D., J.P., representing the London Lady Magistrates.
Beuttler, Lieut.-Col. E. G. O., O.B.E., Captain-Superintendent, Akbar Nautical School.
Biron, Sir Chartres, Chief Magistrate, Bow Street Police Court.
Blayney, Miss E. G., Headmistress, Elm House School.
Blyth, Miss N. M. P., Probation Officer, Tower Bridge Juvenile Court.
Booth, Mrs. Bramwell, representing the Salvation Army.
Bower, Sir Robert L., Chief Constable, North Riding.
Bradshaw, J. J., representing the National Association of Prison Visitors.
Burt, Cyril, M.A., D.Sc., Psychologist in the Education Department of the London County Council.
Capes, J. H., representing the Association of Superintendents of School Attendance Departments.
Castle, Miss E., Headmistress, Devon and Exeter Girls' Training School.
Clarke, Major F. L. Stanley, Chief Constable, Gloucestershire.
Conway, Alderman M., J.P., representing the Education Committee of the National Union of Teachers.
Courtney, Mrs. J. E., O.B.E., representing the London Lady Magistrates.
Cowlin, Miss M. H., representing the Liverpool Women Police Patrols.
Crawley, F., Chief Constable, Newcastle-on-Tyne.
Cronin, Miss E. W., Deputy Governor, H.M. Prison, Holloway.
Crosland, Miss E., Probation Officer, Dean Street Juvenile Court.
Cullis, Miss M. A., Teacher in H.M. Prison, Holloway.
Culverwell, G. H., M.D., D.P.H., Medical Inspector, Children's Branch, Home Office.
Cunliffe, J. T., Assistant Director, Borstal Association.
Davis, W. W., representing the Staffordshire Police Court Mission.
Deacon, Stuart, Stipendiary Magistrate, Liverpool.
Dingle, F. B., Clerk to the Justices, Sheffield, representing the incorporated Justices' Clerks' Society.
Draper, Miss E., Probation Officer, Kingston-upon-Hull, representing the National Association of Probation Officers.
Dunning, Sir Leonard, H.M Inspector of Constabulary.
East, W. N., M.D., H.M. Medical Inspector of Prisons.
Ellis, I., Headmaster, Hayes School for Jewish Boys, representing the Society of Head Masters and Mistresses of Certified Reformatory and Industrial Schools.
Ellwood, Miss, Assistant Director, Borstal Association.
Fancott, E., representing the Birmingham Boys' and Girls' Union.
FitzClarence, Major the Hon. H. E., M.C., Governor, H.M. Prison, Manchester.
Foster, Mrs. M. Arnold, J.P. for Wiltshire.
Francis, H. W. S., O.B.E., Assistant Secretary, Ministry of Health.
Frankton, G., Inspector, Metropolitan Police Force.
Fry, Miss S. M., J.P., representing the Howard League for Penal Reform.
Fry, T. W., O.B.E., Metropolitan Police Magistrate.
Gaskell, J., Chief Clerk, Bow Street Police Court.
Graham, J., Director of Education, Leeds, representing the Association of Education Committees.

Hall, W. Clarke, Metropolitan Police Magistrate.
Hamilton-Pearson, E. A., M.B., Ch.B., of the Tavistock Clinic.
Hayward, E. J., Clerk to the Justices, Cardiff, representing the Incorporated Justices' Clerks' Society.
Henriques, B. L. Q., J.P. for London.
Hilton, N. R., Deputy Governor, H.M. Prison, Wandsworth.
Holder, C. A., Assistant Clerk to the Justices, Birmingham.
Hood, Mrs. E., representing the Trades Union Congress and the Labour Party.
Jackson, S. H., Secretary, Borstal Association.
Johnson, G. W., C.M.G., representing the Association for Moral and Social Hygiene.
Jones, His Honour Judge Atherley, K.C., Judge of Mayor's and City of London Court.
Jones, W. Craven, Headmaster, Shustoke School, representing the Society of Head Masters and Mistresses of Certified Reformatory and Industrial Schools.
Jupp, W. R., Station-Sergeant, Metropolitan Police Force. Sergeant-Gaoler, Old Street Police Court.
Kelly, Miss E. H., J.P. for Portsmouth.
Kempthorne, Mrs. H., representing the Archbishops' Advisory Board for Preventive and Rescue Work.
Kevill-Davies, Mrs. D., J.P. for Herefordshire.
Landers, J. J., M.B., B.Ch., Governor, Boys' Prison, Wandsworth.
Law, Lieut.-Col. A. M., Chief Constable, Herts, representing the Conference of the Chief Constables of the Counties of England and Wales.
Lightfoot, W., representing the National Association of Probation Officers.
Lumby, J. H., representing the Education Committee of the National Union of Teachers.
Malone, Mrs. L. L'Estrange, representing the Howard League for Penal Reform.
Manning, Mrs. L., J.P., representing the Education Committee of the National Union of Teachers.
Meredith, Miss J. E., late Lady Superintendent, H.M. Prison, Liverpool.
Mesurier, Mrs. L. le, representing the Women Visitors at the Boys' Prison, Wandsworth.
Methven, J. C. W., M.R.C.S., L.R.C.P.(Lond.)., Governor, H.M.B.I., Borstal.
Michael, Mrs. M., representing the Swansea Branch of the National Association of Prison Visitors.
Millington, Rev. C., Chaplain, H.M.B.I., Feltham.
Moore, Capt. J. W., Chief Constable, Huddersfield, representing the Chief Constables' Association (Cities and Boroughs) of England and Wales.
Murray, Rev. S. R. G., Chaplain, H.M. Prison, Holloway.
Newton, W. J. O., representing the London County Council.
Norris, A. H., M.C., M.R.C.S., L.R.C.P., D.P.H., Chief Inspector, Children's Branch, Home Office.
Owens, T. Paterson, Governor, H.M.B.I., Portland.
Parr, Sir Robert J., O.B.E., Director, National Society for the Prevention of Cruelty to Children.
Paterson, A., M.C., H.M. Commissioner of Prisons.
Pearson, A. C , M.C., M.B., B.Ch., D.P.H., Medical Officer, H.M. Prison, Wandsworth.
Pearson, Rev. H., Secretary, the London Police Court Mission.
Phillips, Dr. Marion, J.P., representing the Trades Union Congress and the Labour Party.
Pickles, A. R., Director of Education, Burnley, representing the Association of Education Committees.
Pinnington, Right Rev. Mgr. Canon, W., representing the Roman Catholic Church.
Potts, W. A., M.D., representing the National Council of Mental Hygiene.

Pringle, Rev. J. C., Secretary, Charity Organisation Society.
Rackham, Mrs. C. D., J.P., representing the Magistrates' Association.
Ritchie, A. Brown, M.B., C.M., Senior Medical Officer of the Manchester Education Committee.
Shrubsall, F. C., M.D., F.R.C.P., D.P.H., a Senior Medical Officer of the London County Council.
Simpson, H. B., C.B., Assistant-Secretary, Home Office.
Sinclair, G., Chief Constable, Accrington, representing the Chief Constables' Association (Cities and Boroughs) of England and Wales.
Stephen, Sir Harry L., LL.M., representing the London County Council.
Stileman-Gibbard, L. G., representing the Association of Managers of Certified Schools.
Tassell, A. J., Metropolitan Police Magistrate.
Thomas, D. Lleufer, Stipendiary Magistrate, Pontypridd and Rhondda.
Ward, R. J., J.P. for Liverpool.
Warner, Miss M. A., Probation Officer, Shoreditch Juvenile Court.
Warren, T. A., Director of Education, Wolverhampton.
Watson, J. P. K., Chief Constable, Preston, representing the Chief Constables' Association (Cities and Boroughs) of England and Wales.
Whitlock, Dr. A. M., M.B., B.S., D.P.H., Assistant Medical Inspector, Children's Branch, Home Office.
Wilson, C., M.P., representing the Trades Union Congress and the Labour Party.

APPENDIX II.

STATEMENT OF NUMBER OF PERSONS AGED 16 TO 21, PROCEEDED AGAINST AFTER APPREHENSION FOR CRIMES AND OFFENCES, WHOSE CASES WERE DISPOSED OF BY COURTS OF SUMMARY JURISDICTION IN ENGLAND AND WALES DURING THE THREE MONTHS, OCTOBER–DECEMBER, 1925, SHOWING MANNER OF DISPOSAL.

OFFENCES.*	TOTAL.	AGES.					MANNER OF DISPOSAL.														
							Cases *not* dealt with Summarily			Cases dealt with Summarily.											
										Charge withdrawn or dismissed.	Charge proved—Order made *without* Conviction for				Convicted.						
											Dismissal.	Recognizances.	Probation.	Sending to Institution for Defectives.	Number convicted.	Imprisonment.	Police cells.	Fine.	Recognizances.	Committed to Q.S. for sentence (C.J.A. 1914, s.10)	Otherwise disposed of.
		16 years.	17 years.	18 years.	19 years.	20 years.	Charge withdrawn or dismissed.	Committed for trial.	Otherwise disposed of.												
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)	(20)	(21)	(22)
INDICTABLE OFFENCES.																					
1. Murder	3	—	1	1	1	—	—	3	—	—	—	—	—	—	—	—	—	—	—	—	—
2 and 3. Attempt, threats or conspiracy to murder.	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
4 and 4A. Manslaughter and infanticide.	6	—	1	2	1	2	1	5	—	—	—	—	—	—	—	—	—	—	—	—	—
5 and 8. Wounding	9	1	1	3	2	2	2	7	—	—	—	—	—	—	—	—	—	—	—	—	—
6, 7 and 9 to 15. Other offences of violence.	6	—	3	1	2	—	2	4	—	—	—	—	—	—	—	—	—	—	—	—	—
16 to 18. Unnatural offences and attempts, &c.	6	1	1	2	2	—	1	4	—	—	—	—	—	—	1	1	—	—	—	—	—
19 to 25. Rape and other offences against females.	43	6	10	10	6	11	5	17	—	2	1	1	6	1	10	6	1	3	—	—	—

26. Bigamy	1	—	—	—	—	1	—	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—
27 to 33. Burglary, housebreaking, &c.	146	19	31	28	37	31	8	133	—	2	—	1	1	—	1	1	—	—	—	—	—	—
34 to 36. Robbery and extortion ...	6	—	1	—	3	2	1	5	—	—	—	—	—	—	—	—	—	—	—	—	—	—
37 to 43. Aggravated larcenies ...	193	32	40	46	42	33	6	6	1	6	5	28	106	—	35	16	3	16	—	—	—	—
44. Simple and minor larcenies ...	1,568	348	354	315	307	244	14	46	1	94	87	249	554	9	514	183	18	253	5	47	8	—
45. Obtaining by false pretences ...	41	6	5	5	12	13	—	3	1	2	1	8	13	—	13	10	—	1	—	2	—	—
46 to 48 and 50. Other frauds ...	2	—	—	—	—	2	1	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—
49. Receiving stolen goods	24	3	4	6	6	5	—	—	—	3	1	5	5	1	9	3	1	5	—	—	—	—
51 and 52. Arson	5	—	—	2	2	1	—	5	—	—	—	—	—	—	—	—	—	—	—	—	—	—
53 to 58. Other offences against property.	1	—	—	—	—	1	—	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—
59 and 60. Forgery.	5	1	—	2	1	1	—	5	—	—	—	—	—	—	—	—	—	—	—	—	—	—
61 and 62. Coining.	1	—	—	—	—	1	—	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—
70 Perjury.	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
82. Suicide, attempting to commit...	14	—	1	3	4	6	10	4	—	—	—	—	—	—	—	—	—	—	—	—	—	—
63 to 69, 71 to 81 and 83. Other indictable offences.	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
TOTAL	2,080	417	453	426	428	356	51	251	3	109	95	292	685	11	583	220	23	278	5	49	8	—
NON-INDICTABLE OFFENCES (AKIN TO INDICTABLE OFFENCES).																						
85 to 87. Assaults	131	6	14	22	41	48	—	—	—	21	8	8	7	2	85	9	1	74	1	—	—	—
89 and 177. Brothel-keeping and living on prostitute's earnings.	6	—	1	—	2	3	—	—	—	—	—	1	2	—	3	3	—	—	—	—	—	—
91. Cruelty to children	2	—	—	—	2	—	—	—	—	—	—	1	—	—	1	1	—	—	—	—	—	—
109. Indecent exposure	31	6	8	7	7	3	—	—	—	4	3	2	7	1	14	5	—	9	—	—	—	—
129 to 133. Malicious damage ...	41	5	9	7	10	10	—	—	—	4	8	1	—	—	28	4	—	24	—	—	—	—
151 to 153. Prevention of Crimes Acts, offences against.	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
162 to 166 and 170. Stealing, unlawful possession, &c.	32	11	6	4	5	6	—	—	—	11	5	4	5	—	7	1	—	6	—	—	—	—
175 and 176. Frequenting, found in enclosed premises, &c.	119	21	16	23	27	32	—	—	1	38	17	7	27	2	27	14	1	9	—	3	—	—
TOTAL	362	49	54	63	94	102	—	—	1	78	41	24	48	5	165	37	2	122	1	3	—	—

APPENDIX II—*continued.*

Offences.*	Total.	Ages.					Manner of Disposal.													
							Cases *not* dealt with Summarily			Cases dealt with Summarily.										
											Charge proved—Order made *without* Conviction for				Convicted.					
		16 years.	17 years.	18 years.	19 years.	20 years.	Charge withdrawn or dismissed.	Committed for trial.	Otherwise disposed of.	Charge withdrawn or dismissed.	Dismissal.	Recognizances.	Probation.	Sending to Institution for Defectives.	Number convicted.	Imprisonment.	Police cells.	Fine.	Recognizances.	Committed to Q.S. for sentence (C.J.A. 1914, s.10).	Otherwise disposed of.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)	(20)	(21)	(22)
Other Non-Indictable Offences.																					
88. Betting and gaming	108	8	17	21	35	27	—	—	—	7	6	6	—	—	89	—	—	74	15	—	—
90. Cruelty to animals	43	8	10	6	12	7	—	—	—	5	18	—	—	—	20	—	—	20	—	—	—
94. Education Acts, offences against	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
97 to 101. Game Laws, offences against	1	—	—	—	—	1	—	—	—	1	—	—	—	—	—	—	—	—	—	—	—
102 to 106. Highway Acts, offences against.	293	48	66	76	57	46	—	—	—	5	15	—	1	—	272	—	—	272	—	—	—
110 and 111. Intoxicating Liquor Laws, offences against—Drunkenness.	487	6	26	73	167	215	—	—	—	19	62	4	15	—	387	—	—	382	5	—	—
134. Merchant Shipping Acts, offences against.	6	—	1	2	1	2	—	—	—	—	1	—	1	—	4	—	—	3	—	—	1
135 to 137. Naval, Military and Air-Force Law, offences against.	190	8	16	45	55	66	—	—	176	1	—	—	3	—	10	3	—	7	—	—	—
142 to 146. Police Regulations, offences against.	525	50	94	113	150	118	—	—	—	45	76	19	13	—	372	1	—	367	4	—	—

147 to 150. Poor Law, offences against	28	—	2	4	10	12	—	—	—	1	3	1	2	—	21	19	2	—	—	—	—
154. Prostitution	38	—	2	2	15	19	—	—	—	6	3	6	2	—	21	4	—	17	—	—	—
155. Railways, offences in relation to	19	1	2	7	6	3	—	—	—	4	3	2	2	—	8	—	—	8	—	—	—
156. Revenue Laws, offences against	7	—	2	2	—	3	—	—	—	1	—	—	—	—	6	—	—	6	—	—	—
172. Begging	52	9	5	16	11	11	—	—	—	5	13	4	7	2	21	11	8	1	—	—	1
173. Sleeping out	113	14	22	36	24	17	—	—	—	18	43	7	32	3	10	4	3	1	—	2	—
174. Gaming, &c.	322	76	93	81	36	36	—	—	—	14	35	8	3	—	262	1	—	261	—	—	—
178 Other vagrancy offences ...	12	3		—	2	3	—	—	1	—	4	1	1	—	5	2	—	3	—	—	—
84, 92. 93, 95, 96, 107, 108, 112 to 128, 138 to 141, 157 to 161, 167 to 169, 171, 179 to 181—Other offences.	48	3	7	9	9	20	—	—	—	4	3	1	4	—	36	3	—	33	—	—	—
TOTAL	2,292	234	369	493	590	606	—	—	177	136	285	59	86	5	1,544	48	13	1,455	24	2	2
GRAND TOTAL	4,734	700	876	982	1,112	1,064	51	251	181	323	421	375	819	21	2,292	305	38	1,855	30	54	10

The estimated number of persons aged 16 and under 21 who were proceeded against *on Summons* during the same period for (*a*) Indictable Offences was 626, (*b*) Non-Indictable Offences was 13,878 ; these figures however do not include any summons cases for Non-Indictable Offences in BUCKINGHAMSHIRE and the METROPOLITAN POLICE DISTRICT for which no useful information is stated to be available. These two Districts had 1,100 APPREHENSIONS FOR NON-INDICTABLE OFFENCES.

The numbers are references to the classified lists of crimes and offences in the Appendices to the annual volumes of Criminal Statistics.

APPENDIX III.

PARTICULARS OF YOUNG PRISONERS COMMITTED TO ALL LOCAL PRISONS DURING THE 3 MONTHS ENDED 31ST DECEMBER, 1925.

(Persons committed to prison under Section 10 of the Criminal Justice Administration Act, 1914, and all persons sentenced to Borstal Detention are excluded from all Tables.)

I.—*Committed on Remand.*

Total 621: Boys 547 Girls 74.

	Boys.	*Girls.*
(a) Age on reception:—		
16	84	7
17	94	15
18	118	13
19	134	22
20	117	17
Total	547	74
(b) Number who were discharged at Court	369*	65*
(c) Number who were committed for Trial	63	2
(d) Committed to prison to await removal to Reformatory or other Institution.	1	—
(e) Convicted and committed to prison under sentence:—		
viz.:—1 month or less	39	4
Over 1 month and including 3 months	44	1
Over 3 months and including 6 months	24	1
Over 6 months and including 9 months	3	1
Over 9 months and including 12 months	3	—
Over 12 months	1	—
Total	547	74

Included under (e) above are 5 boys who were committed in default of payment of a fine.

II.—*Committed to Prison to await trial (not previously in prison on remand).*

(Persons committed to prison under Section 10 of the Criminal Justice Administration Act, 1914, and all persons sentenced to Borstal Detention are excluded from all Tables.)

Total 41: Boys 36 Girls 5.

	Boys.	*Girls.*
(a) Ages:—		
16	2	—
17	4	—
18	12	—
19	10	1
20	8	4
Total	36	5

* Of these 250 boys and 40 girls were bound over, &c.
" 72 " 7 " discharged.
" 20 " 6 " sent to Mental Homes, &c.
" 13 " 4 " fined.
" 14 " 8 " dealt with in other ways—(Bailed, to reformatory and industrial schools, &c.).

	Boys.	*Girls.*
(b) Not received again into custody after trial ...	19	3
(c) Committed to await removal to Reformatory or other Institution.	—	1
(d) Convicted and committed under sentence:—		
viz.:—1 month or less	2	—
Over 1 month and including 3 months ...	—	—
Over 3 months and including 6 months	10	1
Over 6 months and including 9 months	4	—
Over 9 months and including 12 months	—	—
Over 12 months	1	—
Total	36	5

III.—*Received into prison on conviction, not having been in prison on remand or for trial.*

(Persons committed to prison under Section 10 of the Criminal Justice Administration Act, 1914, and all persons sentenced to Borstal Detention are excluded from all Tables.)

Total 383: Boys 346 Girls 37.

	Boys.	*Girls.*
(a) Age on reception:—		
16	17	—
17	38	—
18	61	14
19	90	8
20	140	15
Total	346	37
(b) Convicted and committed to prison under sentence:—		
viz.:—1 month or less	214	21
Over 1 month and including 3 months ...	90	11
Over 3 months and including 6 months	32	5
Over 6 months and including 9 months	2	—
Over 9 months and including 12 months	8	—
Over 12 months	—	—
Total	346	37

Included in (b) above are 120 boys and 14 girls who were committed in default of payment of a fine.

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